

Refunded if Purchases Are Unsatisfactory.

CITY OF OAKLAND WINS IN THE CONTRA COSTA WATER COMPANY FIGHT

INSUFFICIENT EVIDENCE TO SUPPORT \$7,000,000 VALUE

Court Declares a Valuation of \$3,500,000 Would Allow Company Fair Return on Its Investment

The Supreme Court late yesterday afternoon rendered an important decision in the case of the Contra Costa Water Company against the city of Oakland.

The decision of Judge Hart fixing the value of the plant at \$7,000,000 is reversed, and the case sent back to the Superior Court for a new trial.

The court suggests that a valuation of \$3,500,000 would give the company a fair return on its investment.

The water rate ordinance of 1900 is practically upheld as legal and just.

The decision is very far-reaching.

This decision will affect rebates due the people amounting to about \$1,000,000. The decision in full follows:

Contra Costa Water Company, a corporation, plaintiff and respondent, vs. The City of Oakland, et al., defendants and appellants, S. F. No. 4162.

This action was commenced in the Superior Court of Alameda county on April 5, 1900, by plaintiff, a corporation formed and existing for the purpose of supplying the city of Oakland and other cities and towns in Alameda county and the inhabitants thereof with water, against said city of Oakland and the members of the City Council, to obtain a decree adjudging void an ordinance adopted on March 26, 1900, by such council, fixing the rates to be collected by plaintiff for the water to be furnished such city and its inhabitants for the year commencing July 1, 1900, and ending June 30, 1901, restraining its enforcement, and requiring the council to adopt, after full investigation and opportunity to plaintiff to be heard, an ordinance fixing just and reasonable rates for such year. The general ground stated for the relief was that such ordinance was adopted by the council arbitrarily and without any sufficient investigation or any opportunity to plaintiff to be heard upon the question of the reasonableness of the rates proposed thereby, that the rates fixed thereby were unreasonable, unjust and oppressive, and did not permit of a fair return for a just and fair compensation to plaintiff, and that the effect thereof would be to take away plaintiff's property without due process of law by depriving it of any fair return upon its property and in such service of furnishing water.

Appeal Is Submitted

Judgment was given in favor of plaintiff on May 28, 1901. The bill of exceptions and appeal was filed by the trial judge on April 8, 1905, on which day defendant's motion for a new trial was denied. Appeals were taken by defendants from the judgment and the order denying a new trial, and these appeals were submitted to this court for decision in January of this year.

The trial court found that the property of plaintiff necessary to enable it to furnish the City of Oakland and its inhabitants with water, being its reservoirs, rights, water rights and other rights necessary to secure the absolute ownership of the water caught and impounded, land, pumping and other works, many miles of water pipe laid for distributing waters, buildings and improvements, are of the value of \$7,000,000. There is nothing in the findings to indicate, except as just stated, what items of property were taken into consideration as constituting this aggregate of property found to be worth \$7,000,000, or the value given to any particular item, except that it is further found that the properties known as the Pleasanton Sink, Central Reservoir, and the Glue Works Plant are not used for supplying the City of Oakland or its inhabitants

Expert Adams sought to show for the Contra Costa Company that it had sustained losses in starting in business, which he estimated at \$500,000, or the difference between 7 per cent earnings and those based on 5.63 per cent, as it was shown to have made by the income rolls of the property.

This the court held to be wrong, as the deficiency might come from early mismanagement or extravagance. As to the value placed on San Leandro lake by experts of the company, this value was arrived at arbitrarily, according to the testimony, by taking the number of miners' inches it supplied and counting each inch as worth \$2500, or as much as the experts thought the consumer was able to pay. Experts Adams and Schuyler also included an item of \$3,000,000 as necessary to reproduce the plant, allowing nothing for depreciation, although most of the mains were laid more than twenty years ago. This depreciation was shown by the city's witnesses to be \$1,000,000 or more.

Theory of Plaintiff

Adopting the theory of plaintiff that the ordinance would reduce the receipts under the ordinance of the next preceding year twenty-five per cent, a conclusion that we cannot hold is without sufficient support in the evidence. It further found that the gross income under the ordinance in question for the year 1900-01 from all sources would not exceed \$322,500, of which \$117,500 would be received from consumers other than the City of Oakland and its inhabitants. It found in so far as this called to take into account and add to the gross receipts \$13,236.21, the amount of rebates shown to have been made by plaintiff to certain consumers during the preceding year, and except also that under the stipulation of the parties the gross receipts amount, without adding such rebates, and with a twenty-five per cent deduction, to \$232,561, the finding was sufficiently supported by the stipulation of the parties and the evidence. This conclusion is based entirely on the assumption of the parties that there would be no increase in the business over that of the preceding year.

Deducting from these gross receipts the amount of such operating expenses, including taxes, which we shall take in round numbers at \$135,000, as the same are taken in the calculations contained in appellants' brief, left the probable net revenue for the year under the ordinance in question at \$107,561.66 under the findings without adding the rebates, and at \$155,848.31 if the rebates are added to the gross receipts, as we are satisfied they should be. Upon these facts, it appears that the net revenue of plaintiff from its property on the basis of \$7,000,000 valuation would be but 2.41 per cent, without any allowance for depreciation in the value of the plant.

The court found that a fair return and rate of interest for the year 1900-01, and a just and reasonable rate for the water to be supplied, is seven per cent on \$7,000,000, over and above the operating expenses and taxes, and that plaintiff is entitled to receive for the water furnished by it to the City of Oakland and its inhabitants at least that amount, less the income derived by it from consumers outside the said city, amounting as heretofore stated to \$51,773.

No Consideration

It further found substantially that the ordinance was passed without any opportunity to be heard against it on the part of the plaintiff or other persons interested, that no consideration was given to a large and material part of plaintiff's property, that at the meeting at which the ordinance was finally passed, March 26, 1900, plaintiff offered to produce evidence to show that it was unreasonable but that the council refused to allow it to do so, although this was the first opportunity plaintiff had to present its objections; that the rates fixed were fixed arbitrarily and without any consideration of or regard to the right of plaintiff to a reasonable consideration, etc., and that the subject of said ordinance and water rates was not carefully considered by the individual members of the council.

Upon these findings a decree was entered adjudging the ordinance null and void, and setting aside, vacating and annulling the same, adjudging that plaintiff is entitled to have rates for supplying fresh water to the City of Oakland and its inhabitants for the year commencing July 1, 1900, and ending June 30, 1901, so fixed that they will in the aggregate afford to plaintiff a just and reasonable compensation, and as will yield a sufficient income to pay its expenses and taxes and a reasonable rate of interest upon the value of plaintiff's property, and that the City Council, forthwith fix the rates for said year in accordance with the principles established in this decree, and entitling the defendant from en-

It is self-evident that there is no more material question of fact in a judicial investigation of this character than that of the present reasonable value of the property devoted to the public use. Only by a determination of that question can we have any foundation upon which to rest a conclusion as to the sufficiency of the compensation that will be given by the rates fixed. It is the question, too, which presents the greatest difficulty, and upon which the greatest difference of opinion ordinarily exists, both before the rate-making body and in any judicial proceeding in which the action of that body is assailed.

As we have seen, the trial court found that the property of the plaintiff so devoted to this use was of the value of \$7,000,000. The claim of defendants, as stated in their answer, was that such value did not exceed \$3,000,000. This finding of the trial court is assailed by defendants as not being supported by the evidence. If this claim of the defendant be without any finding on the question of value, and without any power or ability to supply such a finding. There was evidence which probably would have supported a finding of value very slightly in excess of the amount claimed by the defendants in their answer, \$3,000,000, and which certainly would have supported a finding of a value not exceeding \$3,500,000.

Taking the value to be \$3,500,000 only, the ordinance would afford a net revenue over operating expenses and taxes of 5.632 per cent, which is not, in our judgment, so low a rate that a court, upon the record before us, would be warranted in holding that it was beyond the power of the council to fix, even if we hold that there must be deducted therefrom what would be a fair allowance for the ordinary annual depreciation in the value of the perishable portion of the plant.

What such an allowance would be has not been determined by the trial court and depreciation might amount to two per cent, on the whole value, which would leave only a little more than three and one-half net to the stockholders. Such a percentage of return might seem too low for us were we invested with the function of fixing the rates, return to those engaged in the service of furnishing water, but we are not called upon to hold, upon the record before us, whether, in the face of the legislative determination, such a rate of net return must be considered confiscatory.

As we have said, the amount properly allowable for depreciation in this case has not been determined by the trial court, and it may be that it would not amount to more than one per cent. of the value of all the property, perishable and non-perishable. Such an allowance for depreciation would be in excess of that testified to as a proper allowance on the application for an injunction in Spring Valley Water Co. vs. San Francisco, 165 Fed. Rep., 676, if the opinion correctly states such testimony. In that event, we would have over four and one-half per cent. net for the stockholders. This certainly would be a very substantial net return, considerably more than is derived from many investments eagerly sought by capital.—From decision in Contra Costa Water Company suit.

foring or attempting to enforce the said ordinance.

State Constitution

The general principles applicable in cases of this character are now fairly well settled. Under the provisions of our State Constitution the use of all water for any purpose is a public use, subject to the regulation and control of the State, and the rates to be collected by any person, company or corporation in this State for the use of water supplied to any city or town, or the inhabitants thereof, must be fixed, annually, by the city or town council or other governing body of such city or town (Art. XIV, Sec. 1). As was said in Spring Valley Water Company vs. San Francisco, 165 Fed. Rep., 676, this provision of our Constitution is justified and sustained by the well settled principle enunciated in Munn vs. Illinois, 94 U. S., 113, 136, that where one devotes his property to a public use, "he in effect, grants to the public an interest in that use, and must submit to be controlled by the public for the common good, to the extent of the interest he has thus created. . . . so long as he maintains its use. . . . When private property is devoted to public use, it is subject to public regulation." If the right to regulate exists, the right to establish a reasonable compensation for services as one of the means of regulation is implied. The exercise of this right on the part of the State is a legislative function. As is the case in regard to many other legislative acts, the legislative officers in determining what will be the proper rate of compensation are necessarily obliged to use some degree of judgment and discretion, and are "bound in morals and in law to exercise an honest judgment as to all matters submitted to their official determination." (Spring Valley Water Works vs. Schottler, 110 U. S., 284.) To this extent, their duties in the exercise of their legislative function are judicial in their nature. But, as was said by the Supreme Court of the United States in the recent case of Knoxville vs. Knoxville Water Company, 29 Sup. Ct. Rep., 248: "The function of rate making is purely legislative in its character, and this is true, whether it is exercised directly by the legislature itself or by some subordinate or administrative body, to whom the power of fixing rates in detail has been delegated. The completed act derives its authority from the legislature."

The value of the Oakland Water Company's plant acquired by the Contra Costa Company was placed by Adams and Schuyler at \$2,550,000, based on the bonded indebtedness of \$1,500,000 plus the stock payment of \$1,050,000, as figured at 70 cents on the dollar.

This stock, it was shown, had no such value at the time of the sale, and the estimated value of the Oakland Water Company's plant was placed by some at less than the \$1,500,000 bonded indebtedness.

Nowhere in the record, the court sums up, can any evidence upholding the \$7,000,000 valuation be found, nor is the contention that the company was refused a hearing by the Oakland City Council justified. As the valuation placed on the property is not sustained the Supreme Court is unable to determine that the compensation allowed by the ordinance is not fair and just.

and must be regarded as an exercise of the legislative power."

Fully Recognized

This was fully recognized in the opinions in the case of San Diego Water Company vs. San Diego, 115 Cal., 566. The courts have no power to revise the action of the rate-fixing body in this regard. No authority is given by the law for any such review by a judicial tribunal. If an ordinance fixing rates is enacted in the manner provided by law it can be set aside by the courts only where it is invalid on some constitutional ground. Under our constitutional guarantees, Federal and State, no one can be deprived of his property without just compensation, and if the effect of an ordinance fixing water rates is to deprive one engaged in the exercise of such public use of a fair return upon his property used in such service, such act deprives the party of the lawful use of his property, "and thus, in substance and effect, of the property itself." In violation of the constitutional provisions, (Chicago, etc., R. Co. vs. Minnesota, 134 U. S., 418, 423.) Where such is the effect the constitutional provisions, which hold the ordinance to be void and prevent its enforcement. This is the full extent of their power in such a matter, and the basis upon which such power rests. As said in San Diego Water Co. vs. San Diego, supra: "The function of the courts is merely to ascertain whether the power has been carried beyond the constitutional limits so fixed; and, if such be found to be the case, to declare the acts of the council void. They do not sit as appellate tribunals to review the correctness of the council's determination, nor need they know anything about the evidence on which that body has acted."

Ultimate Question

"All that they have to consider is whether, in a given case, the result of the council's action will be to take the property of the complaining party without just compensation." The ultimate question in any judicial proceeding of this character is whether the rates fixed are confiscatory. It is now settled that the public engaged in furnishing water to return upon the reasonable value of the property at the time it is being used for the public," over and above its necessary operating expenses, including current repairs and taxes. (San Diego, etc., Co. vs. National City, 174 U. S., 73, 75; San Diego, etc., Co. vs. Jasper, 189 U. S., 442; County of Stanislaus vs. San Joaquin Co., 192 U. S., 201.) To this should probably be added, in a case where the property is irrevocably devoted to a public use, as intimated by the United States Supreme Court in Knoxville vs. Knoxville Water Co., supra, an annual allowance to provide for making good the depreciation which must occur in much of the property used in such a service. The court said: "The company is not bound to see its property gradually waste, without making provision out of earnings for its replacement. It is entitled to see that from earnings the value of the property invested is kept unimpaired, so that, at the end of any given term of years the original investment remains as it was at the beginning." This in line with what was said by Chief Justice Beatty in San Diego Water Co. vs. San Diego, supra.

It is the plain duty of the legislative body fixing rates to take all of the elements properly involved in the determination of the question of the present value of the property used in the public service into consideration, and having ascertained that value, to fix such rates as will allow the person engaged in furnishing the water, over and above the operating expenses, taxes and current repairs, such amount as will fairly compensate him for the annual depreciation in the property, and leave him with what, under all the circumstances, will be a fair and

just return for the use by the public of his property.

Rate-Fixing Body

All of these questions, the value of the property, the amount of expenses, the amount of allowance for depreciation and what, under all the circumstances, will be a fair compensation to the owner, are, however, for the rate fixing body, and the courts should never set aside the action of that body upon the ground that it deprives a party furnishing water of his property without fair compensation, unless that fact is very clearly made to appear. The burden of making this showing is on the person who assails the law. As was said in Knoxville vs. Knoxville Water Co., supra, the judicial power of "ought to be exercised only in the clearest cases."

In San Diego Land & Town Co. vs. National City, supra, the United States Supreme Court said: "Judicial interference should never occur unless the case presents, clearly and beyond all doubt, such a flagrant attack upon the rights of property under the guise of regulations as to compel the court to say that the rates prescribed will necessarily have the effect to deny just compensation for private property taken for public use." In Munn vs. Illinois, supra, the same court said, as has repeatedly since been said: "Every statute is presumed to be constitutional."

"The court ought not to declare one to be unconstitutional, unless it is clearly so. If there is doubt, the expressed will of the legislature should be sustained."

Needed Foundation

It is self-evident that there is no more material question of fact in a judicial investigation of this character than that of the present reasonable value of the property devoted to the public use. Only by a determination of that question can we have any foundation upon which to rest a conclusion as to the sufficiency of the compensation that will be given by the rates fixed. It is the question, too, which presents the greatest difficulty, and upon which the greatest difference of opinion ordinarily exists, both before the rate-making body and in any judicial proceeding in which the action of that body is assailed.

As we have seen, the trial court found that the property of the plaintiff so devoted to this use was of the value of \$7,000,000. The claim of defendants, as stated in their answer, was that such value did not exceed \$3,000,000. This finding of the trial court is assailed by defendants as not being supported by the evidence. If this claim of defendants be well based, the judgment must, in our opinion, be reversed, for we would then be without any finding on the question of value, and without any power or ability to supply such a finding. There was evidence which probably would have supported a finding of value very slightly in excess of the amount claimed by the

The case has been remanded for a new trial on the ground that the valuations of the company's property as fixed by the trial court, at \$7,000,000, was not supported by the evidence and that there is nothing in the 5500 pages of the record to show the true value of the company's property, or that the ordinance was in any way confiscatory.

SUPREME COURT REVERSES DECISION REGARDING RATES

Ordinance of 1900 Practically Decided to Be a Just and Equitable One for People and Company

defendants in their answer, \$3,000,000, and which certainly would have supported a finding of a value not exceeding \$3,500,000.

Taking the value to be \$3,500,000 only, the ordinance would afford a net revenue over operating expenses and taxes of 5.632 per cent, which is not, in our judgment, so low a rate that a court, upon the record before us, would be warranted in holding that it was beyond the power of the council to fix, even if we hold that there must be deducted therefrom what would be a fair allowance for the ordinary annual depreciation in the value of the perishable portion of the plant.

Some Evidence

What such an allowance would be has not been determined by the trial court, and we cannot say from the record. There was some evidence indicating that the annual depreciation might amount to two per cent on the whole value, which would leave only a little more than three and one-half net to the stockholders. Such a percentage of return might seem too low to us were we invested with the function of fixing the rates, and it may appear to us to be a very short-sighted policy that would give such a low return to those engaged in the service of furnishing water, but we are not called upon to hold, upon the record before us, whether, in the face of the legislative determination, such a rate of net return must be considered confiscatory.

As we have said, the amount properly allowable for depreciation in this case has not been determined by the trial court, and it may be that it would not amount to more than one per cent of the value of all the property, perishable and non-perishable. Such an allowance for depreciation would be in excess of that testified to as a proper allowance on the application for an injunction in Spring Valley Water Co. vs. San Francisco, 165 Fed. Rep., 676, if the opinion correctly states such testimony. In that event, we would have over four and one-half per cent. net for the stockholders. This certainly would be a very substantial net return, considerably more than is derived from many investments eagerly sought by capital.

Not Considered

So far as this may include what is generally known as "good will," it could not be considered at all in determining the question of value of the property. Like the Consolidated Gas Company of New York in Wilcox vs. Consolidated Gas Co., etc., 29 Sup. Ct. Rep., 181, the plaintiff here had a monopoly in fact of the business in which it was engaged. It was the only party having water to furnish in the city of Oakland, and one having to purchase water had no other vendor to whom to resort.

Of such a situation the Supreme Court of the United States said in the case last cited: "We are also of the opinion that it is not a case for a valuation of 'good will.' . . . The complainant has a monopoly in fact, and a consumer must take gas from it or go without. He will resort to the 'old stand,' because he cannot get gas anywhere else. The court below excluded that item, and we concur in that action."

It may be conceded that the fact that the works of plaintiff are in actual use as part of a going concern gives them a greater value to the stockholders than they would otherwise have. It supplies the capacity to earn returns which would otherwise be wanting. Fully for the purposes of this decision, we may assume it to be true, as was said by Judge Partridge in Spring Valley Water Co. vs. City and County of San Francisco, that the value of the going business and franchise depends upon their earning power. Where, as here, that earning power depends on the rates to be fixed annually by the city council in such a way as to give only a fair return on the property in use, and the franchise is neither exclusive nor defined by any special contract with the city, these elements would appear to play a very small part, if any, in the matter of valuation.

Measuring Value

However this may be, it is plain that none of the witnesses furnished any evidence of the testimony as to value was exceedingly unsatisfactory. It consisted almost wholly of the giving of opinions by expert witnesses as to the value, and the usual radical difference is to be found between the opinions of the experts produced by plaintiff and those produced by defendants. To add to the usual difficulty in ascertaining the real value in such a case is the fact that most of the books and records of the Contra Costa Water Company showing details of cost of construction and operating expenses had been destroyed by the plaintiff in the year 1899. As was said recently by the Supreme Court of the United States regarding a case of conflict between the evidence of experts in a case of somewhat similar character, it is apparent that the total value must necessarily be more or less in doubt, and becomes matter of speculation or conjecture to a great extent. (Wilcox vs. Consolidated Gas Co., 29 Sup. Ct. Rep., 193.)

Not Satisfactory

But even an analysis of the evidence of plaintiff's expert witnesses shows it to be without sufficient support for its finding. It is true that three of plaintiff's expert witnesses testified that the value exceeded \$7,000,000, Mr. Adams putting it at \$7,077,527, without including certain real estate, valued at about \$200,000; Mr. Schuyler putting it at \$7,633,447, including all real estate, and Mr. Klretted putting it at about \$7,530,000. The testimony given by these witnesses, however, showed very clearly that these conclusions were not based upon data sufficiently certain to

It was held by the Supreme Court that the rate-making power is inherent in a legislative body on the ground that one who devotes property to public use grants the public an interest in it and must submit to control by the public for the common good. The legislative body must exercise honest judgment when making rates, as such duties are in a measure judicial. The courts cannot reverse the action of the rate-fixing body unless it is shown that such acts are in violation of the Constitution, which provides that no one shall be deprived of property without just compensation. If the effect of a rate-making ordinance is to fix rates too low for a just return, it shall be held to confiscate the property itself. While it is the duty of the rate-fixing body to take all elements into consideration and allow fair returns on the investment, the burden of showing the act to be confiscatory rests entirely with the owner of the property.

CITY OF OAKLAND WINS IN THE CONTRA COSTA WATER COMPANY FIGHT

dence upon which any value could be added on account of either of these items. The theory of both Mr. Adams and Mr. Schuyler, was, as stated by plaintiff's counsel, that this value was measured by the losses sustained and the deficiencies of income accruing to it in the early period of its operations, and up to the time that it had been brought to a paying basis.

Mr. Kierstedt, the only other witness on this subject, measured the value of this element of "going concern" in practically the same way. Mr. Adams, in one of his estimates, concluded as a matter of individual judgment that in an enterprise having the characteristics and magnitude of the old Contra Costa Water Company, there must have been in the inception of the concern losses or deficiencies in income to the extent of \$500,000. In his other estimate, he made a computation of the early losses, treating them as the difference between the return of 5.5 per cent, which the company has actually received, as computed by him from its annual statements, and the return of seven per cent, which he believed it should have received. Mr. Schuyler and Mr. Kierstedt followed the same general lines. This was all the evidence supporting this item.

No Relation

We think it very clear that it had no

relation to the question of present value and afforded no basis for any valuation by the trial court of either of these elements, franchise or going concern. In this connection we quote the words of Judge Farrington in the case last cited: "Two of the experts estimated the value of the going business to be equal to the total amount by which current rates of interest exceeded the net profits of the business prior to 1880. In other words, the value of the going business is equal to the cost of establishing the Spring Valley Water Company's business originally, and that cost is equal to the deficiency of revenue prior to 1880. This estimate is open to the objection that the deficiency of revenue may have been due to extravagant or wasteful management."

The company may have purchased a plant larger and more extensive than necessary; current rates of interest may have been abnormally high, many causes which have absolutely no relation to the value of a company's business now as a going concern may have increased or diminished the deficiency in revenue. Furthermore, if it is conceded that early deficiency of revenue is the proper measure of value for the present going concern, then it follows that, the greater the deficiency and the more unprofitable the business, the greater the present value of the going concern; and, if the bus-

iness had yielded large profits from its very inception, the going business today would be worthless.

These variant methods, leading to equally variant results, are not in accord with the actual conditions. None of the estimates can be followed. It is unnecessary to say that the burden was on plaintiff to furnish data showing that these elements had a distinct, independent productive value, before any such value could be included. (See in regard to value of franchise *Willcox vs. Consolidated Gas Co.*, supra.) In what we have said, we do not desire to be understood as deciding that in the matter of fixing water rates anything at all should be added to the value on account of the element of "going concern."

Is No Certainty

So far as the evidence of Mr. Adams and Mr. Schuyler afforded any basis for a valuation of plaintiff's property by the trial court, other than the property acquired from the Oakland Water Company, such support was to be found in the evidence relating to the cost of the works and the cost of the reproduction thereof. The evidence of Mr. Adams that San Leandro Lake, including real estate and appurtenances, which was the main source of plaintiff's water supply, was worth \$1,507,500, was based solely upon the theory that it supplied "615 miners"

inches of water under four-inch pressure, practically constant and certain yielding capacity, at \$2,500 per inch. This valuation of \$2,500 per inch was, as shown by his examination, a mere arbitrary conclusion, based upon his views as to what, under all the circumstances, would be fair, and in part upon what he thought the consumer would be able to pay. Mr. Schuyler does likewise.

We find in this evidence no such certainty as renders it available as a guide to the value. Each of these witnesses included over \$3,000,000 as the cost of construction of the plant (exclusive of the plant of the Oakland Water Company), or the cost of reproduction thereof. Neither of them made any deduction on account of depreciation which must have come from age and use. The

An allowance was made, for example, to cover past depreciation, and an item of \$500,000 for the "going business" of the company. In so far as "going business" includes good will, the court holds that no good will existed, as the company had a monopoly, according to the United States Supreme Court decision in the Consolidated Gas cases.

Contra Costa Water Company had existed ever since 1866, and more than two-thirds of its construction work was done prior to 1886. In the case of *Knoxville vs. Knoxville Water Co.*, supra, the United States Supreme Court said: "The cost of reproduction is one way of ascertaining the present value of a plant like that of a water company, but that test would lead to obviously incorrect results if the cost of reproduction is not diminished by the depreciation which has come from age and use. . . . The cost of reproduction is not always a fair measure of the present value of a plant which has been in use for many years."

Items on Plant

The items composing the plant depreciate in value from year to year in a varying degree. Some pieces of property like real estate, for instance, depreciate not at all, and sometimes, on the other hand, appreciate in value. But the reservoirs, the mains, the service pipes, structures upon real estate, standpipes, pumps, boilers, meters, tools and appliances of every kind begin to depreciate with more or less rapidly from the moment of their first use. It is not easy to fix at any given time the amount of depreciation or a plant whose component parts are of different ages, with different expectations of life.

But it is clear that some substantial allowance for depreciation ought to have

been made in this case. A reading of the record cannot fail to convince one that the estimates of both Mr. Adams and Mr. Schuyler were practically of all the construction work that has been done since the year 1866, without any allowance whatever for the depreciation that must have occurred.

It is apparent from the record that even upon the basis of an allowance of only one per cent annually for depreciation, the depreciation in the Contra Costa plant would have exceeded \$500,000, according to all of defendant's witnesses except one, Mr. Miller. It was practically \$1,000,000 or more. Mr. Adams himself testified that from his investigation he believed that the prevail-

ing rate of depreciation per annum in such property was two per cent, taking the property as a whole. There is nothing in the evidence of these witnesses or elsewhere in the record to indicate any basis upon which the trial court might properly hold this element of depreciation to be offset or materially affected by appreciation in the value of any portion of the property or of the plant as a whole. So far as real estate values were concerned, including the value of San Leandro Lake and the water rights thereunto appertaining, the testimony given was of present value.

Both Mr. Adams and Mr. Schuyler

(Continued on Page 5.)

WATER RATE PAYERS ARE NOW ENTITLED TO REBATE OF \$1,000,000

A large number of water ratepayers have retained their receipts during the time that the ordinance was contested by the Contra Costa Water Company. When the suit was filed by the water company, the members of the City Council, who were upholding the ordinance fixing the rates for the year 1909, made a public announcement calling on the ratepayers to pay their water rates under protest and retain their receipts. As a result of this advice thousands of water ratepayers have kept their receipts for several years. Under the decision of the Supreme Court these water ratepayers are entitled to a rebate on the money they paid the company, amounting to some thing in the neighborhood of \$1,000,000.

LATEST FINANCIAL STATEMENT OF PEOPLES WATER COMPANY

Detailed Statement of Capital Stock, Bonded Indebtedness, Gross Income, Operating Expenses and Net Revenue of Corporation

Here is a valuation of the property of the Peoples Water Company, successor in interest to the Contra Costa Water Company, given out this year by the officials of the corporation. The statement gives in detail the capitalization and financial operations of the company since 1901, the year following the rendition of the Hart decision:

PEOPLES WATER COMPANY—CAPITAL STOCK.

Preferred, 6 per cent cumulative.....\$ 2,000,000
Common.....18,000,000

Total.....\$20,000,000

BONDED INDEBTEDNESS.

5600 bonds held by the Mercantile Trust Company, as trustees, to re-
tire underlying bonds. These underlying bonds constitute a first
mortgage on about one-quarter of the company's real property..\$ 5,600,000
6838 total outstanding bonds. These bonds, together with bonds
owned by the company, constitute a first mortgage on approxi-
mately three-quarters of the real property.....6,838,000
To cover underlying bonds.....5600
Sold to many holders.....6838
Owned by the company.....7562

General mortgage bonds authorized.....20000

GENERAL MORTGAGE.

The general mortgage, on all the property securing the bonds of the Peo-
ples Water Company, was drawn by Harmon Bell of Oakland and approved by
Garret W. McEnerny of San Francisco. The proceedings authorizing the
mortgage have also been examined and approved by the Mercantile Trust Com-
pany of San Francisco.

The trust deed covering all properties of the Peoples Water Company,
which are security for the bond issue, does not permit the release of any
property from this lien until all the bonds are fully paid.

Gross income, Operating expenses, Net income.

1901.....\$ 566,572 51	\$330,393 36	\$236,179 15
1902.....680,669 07	306,121 06	374,548 01
1903.....790,897 93	263,239 87	527,658 06
1904.....832,830 04	312,487 34	520,342 70
1905.....954,761 99	381,745 48	573,016 51
1906.....1,139,139 25	408,979 82	730,159 43
1907.....1,330,926 99	479,738 38	851,188 61
1908.....1,459,229 09	461,599 93	997,629 16

The Oakland water rate has been reduced 25 per cent in three years, as
follows: 10 per cent for 1907, 10 per cent for 1908 and 5 per cent for 1909.

OWN SEVERAL PLANTS.

The Peoples Water Company, under perpetual rights, supplies water for
general use to Oakland, Berkeley, Alameda, Piedmont, Fruitvale, San Leandro,
Richmond, Emeryville and suburbs, comprising at this time a population of
about 350,000 people. The present growth far exceeds that of any other locality
on the Pacific coast.

The Corporation includes the following constituent companies:
The Contra Costa Water Company,
Oakland Water Company,
Alameda Artesian Water Company,
East Shore Water Company (Berkeley),
Pinole Water Company,
The Syndicate Water Company,
Richmond Water Company.

The Peoples Water Company now supplies, through a distributing system
of 735 miles of pipe, a daily average of 18,800,000 gallons. The increase in
supply from Jan. 1, 1907, to Dec. 1, 1908, of about 4,000,000 gallons per day re-
quired a cash outlay of \$1,286,466, for pumping plants, mains, distributing sys-
tems, etc. The number of new connections for the same period was 12,072; to-
tal number of connections Dec. 31, 1908, 45,536.

The properties of the Peoples Water Company consist of 46,224 acres (dou-
ble the total area of the city and county of San Francisco), or seventy-two
square miles of land contiguous to the communities supplied and include many
important holdings therein. All of these properties are constantly increasing
in value, not only for water purposes, containing as they do all the available
local water supply, but also from a real estate and forestry standpoint. The
accompanying map illustrates the exceptional advantages of location and
prove the wisdom of the large purchases made by the company and its con-
stituent corporations during the past thirty years. The real estate value of
these properties now equals the issued bonded indebtedness.

OAKLAND SUPPLY.

Lake Chabot has supplied Oakland and other districts for many years.
This supplemented by the Alvarado pumping plant with its increased output,
now provides a substantial supply for the Oakland division, which includes
all communities south of Berkeley, with the exception of Alameda. This lake,
which holds 5,250,000,000 gallons, in years of average rainfall not only provides
for daily use, but wastes large amounts of water. The waste from the 21st day
of January to the 21st day of February of the present year was 8,406,000,000
gallons.

The dam site of Lake San Leandro lies three miles above the upper end
of Lake Chabot. The dam projected will retain 16,740,000,000 gallons, and in-
dependent of its great storage value this lake will act as a settling reservoir,
thereby reducing the cost incident to the use of filters during the flood pe-
riods. Together with Lake Chabot, it will conserve all the waters of San
Leandro creek, supplemented by the upper waters of Trampus creek.

South of San Leandro watershed lie the canyons of Crow, Cull and Bol-

inger. These three supplies can be turned into Lake Chabot by tunnels, and
for that purpose essential properties have been purchased.

The Alvarado pumping plant has heretofore supplied Oakland with 4,000,000
gallons per day from deep wells. In July, 1908, additional wells were connected
and the daily supply increased to 6,500,000. It may be still further increased
from nearby artesian sources at moderate cost.

As the present storage supply for the Oakland division does not require
any increase at this time, it is the intention of the management to first store the
waters of San Pablo creek, as this supply added to that of Lake Chabot and the
artesian supplies will provide for both the Oakland and Berkeley divisions for
a number of years, and will utilize the large watershed of the San Pablo creek,
whose waters now waste into the bay of San Francisco.

The Oakland division contains many subsidiary storage reservoirs, the most
important being in the Piedmont hills.

The main pumping station was installed in 1908 at Twenty-fourth avenue
and East Twelfth street, with Southern Pacific and Western Pacific switch-
connections. It consists of three 8,000,000 Allis-Chalmers-Corliss engines, to-
tal capacity 24,000,000 gallons per day. This plant takes the water from the
Lake Chabot and Alvarado mains and forces it under increased pressure to
Oakland and Alameda. This station will also be used to fill the central reser-
voir. The use of this plant practically doubles the capacity of the mains. Sev-
eral lesser pumping stations are operated in the Oakland division.

BERKELEY SUPPLY.

Berkeley has heretofore been supplied from Lake Temescal, the upper
waters of Wildcat canyon and from tunnels, but its rapid growth within the
past two years and undoubted future expansion, necessitated immediate in-
crease in the supply and provisions for storage waters for future years. In July,
1908, a system was put into operation under which a pumping plant known as
"San Pablo No. 2," capacity 3,500,000 gallons per day, was installed on the
property purchased by the company on the northern side of the junction of
San Pablo and Wildcat creeks near the bay of San Francisco, underlying which
are extensive gravel beds carrying a large supply of pure water. At the pres-
ent time this plant forces over 1,000,000 gallons per day into Berkeley from
nine deep wells. As Berkeley's requirements increase additional wells will be
sunk. The capacity of the main from the pumping plant exceeds 5,000,000
gallons per day. At Rose street station a plant pumping 2,000,000 gallons per
day has been installed and lifts the water from this main to the Berryman res-
ervoir, from which the main portion of Berkeley is supplied.

The larger Berkeley reservoirs consist of:
Lake Temescal, capacity 154,000,000 gallons; elevation 435 feet; supplied
by watershed of 1500 acres.

Summit reservoir, capacity 35,000,000 gallons; elevation 800 feet; supplied
by water from Wildcat canyon and by artesian sources of 140,000 gallons per
day.

Berryman reservoir, capacity 22,000,000 gallons; elevation, 500 feet; sup-
plied from Summit reservoir and 100,000 gallons per day from tunnels and from
the Rose-street pumping station.

SAN PABLO LAKE SITE.

Capacity, 5,000,000,000 gallons. This property within the next few years
should be brought into use in advance of any other important storage develop-
ment. When completed and in operation the company will have two lakes of
equal storage capacity at the north and south ends of the distributing system.
San Pablo watershed, like that of San Leandro, also contains other reservoir
sites on the company's properties, but the necessary surveys showing capacity
have not yet been made.

LAKE PINOLE.

Capacity 2,800,000,000 gallons. This property will not be required for many
years, but its purchase is justified on the ground of complete control.

WILDCAT RESERVOIR SITE.

Immediately adjoining Berkeley is Wildcat canyon, controlled by the com-
pany. The capacity of the reservoir will exceed 550,000,000 gallons. The av-
erage run-off exceeds 2,500,000 gallons per day during the season of rainfall.

RICHMOND SYSTEM.

Richmond is supplied by two plants, pumping 950,000 gallons per day, lo-
cated on the south side of San Pablo creek and from wells at San Pablo. The
Wildcat storage reservoir is ideally situated for this community.

ALAMEDA SYSTEM.

Alameda is supplied from wells located at Fitchburg, capacity 1,300,000
gallons per day. This is supplemented, when necessary, by a supply from Al-
varado and Lake Chabot through a main recently laid connecting the Twenty-
fourth avenue pumping plant with the Alameda distributing system.

SOURCES AND SUPPLY.

	Capacity.	Amount Stored.
Lake San Leandro.....	16,740,000,000	
Lake Chabot.....	5,250,000,000	5,250,000,000
Lake San Pablo.....	5,000,000,000	
Lake Pinole.....	2,800,000,000	
Wildcat reservoir.....	550,000,000	
Temescal reservoir.....	154,000,000	154,000,000
Central reservoir.....	150,000,000	
Sub. reservoirs.....	124,500,000	124,500,000
Other sites purchased.....	340,000,000	
Totals.....	30,608,500,000	5,528,500,000

Alvarado pumping plant daily supply.....6,500,000
Fitchburg pumping plant daily supply.....1,300,000
San Pablo pumping plant daily supply.....1,300,000

Richmond system daily supply.....950,000
From tunnels, daily supply.....405,000

Total.....10,155,000

Total amount now in storage.....5,528,500,000

Daily consumption stored water.....8,645,000

Daily consumption artesian water.....10,155,000

Total daily consumption.....18,800,000

The following figures show the depth of water in Lake Chabot May 1st
and December 1st of each year, and the record of the rainfall at San Francisco
and Lake Chabot for the same year. The dam was raised 12 feet in 1902,
hence previous records are not given:

Year.	DEPTH OF WATER.		RAINFALL.	
	May 1st.	Dec. 1st.	Lake Chabot.	San Francisco.
1893.....	63	69	31.44	22.05
1894.....	63	67	25.74	18.47
1895.....	63	71	31.51	27.29
1896.....	63	75	22.25	21.25
1897.....	63	68	26.63	23.43
1898.....	61	38	13.01	9.38
1899.....	72	64	22.23	16.87
1900.....	63	56	21.53	18.47
1901.....	63	67	23.04	21.17
1902.....	64	67	21.83	19.98
1903.....	65	72	21.23	19.18
1904.....	65	69	27.42	24.72
1905.....	64	67	23.74	16.24
1906.....	64	68	28.77	26.34
1907.....	65	66	31.00	22.47
1908.....	79	54	13.82	16.42

COMPANY CLAIMS TO CONTROL ONLY SUPPLY.

This company now owns and controls the only available local supply.
Private capital will not engage in a struggle with a thoroughly established
corporation, on a paying basis, which has reduced the water rate 25 per cent in
three years and holds the good will of its patrons.

Competition by the use of water from a distant source, such as the Sierras,
is also practically impossible. A water supply from such a source requires:

First—An enormous investment for water rights, dams, dam sites, tunnels,
flumes, pipe lines, etc., which would necessitate water rates at least double
those now charged.

Second—Necessary rights of way for ditches and pipe lines when required
by large cities are extremely costly and difficult to secure.

Third—Water brought in open ditches across hot valleys and through sum-
mer dust is not in a fit condition for domestic use.

Fourth—The annual outlay for operation and maintenance would be far in
excess of the operating cost of a local supply.

Hard water vs. soft water.—All Sierra spring waters carry quantities of
mineral matter in solution and are therefore very hard. Catchment water on
forest-clad hillsides in the neighborhood of San Francisco bay is soft and when
filtered is crystal clear and ideal for general use. The artesian water from the
extensive gravel beds of Alvarado and San Pablo does not require filtering.

The properties now controlled by the company admit of a storage capacity
exceeding thirty billion gallons, while the quantity now stored is less than one-
fifth of this amount. This one-fifth plus the artesian water is practically a
two years' supply at this time.

With such basic strength there can be no inducement for capital seeking
investment, either individual, corporate or municipal, to enter into competition
with the Peoples Water Company.

SECURITIES OF THE COMPANY.

The investing public is always interested in the character and stability of
bonds.

Industrial bonds are subject to disturbing conditions such as competition,
market limitations, financial depressions, and changes of management.

Transportation bonds and those of illuminating and power companies are
generally well received, and usually have an excellent basic stability, but they
are all subject to competition.

Municipal and water bonds belong to a different class. Both are based on
the same general conditions. The life of a municipality is co-existent with the
life of its water supply, therefore, the bonds of a water system, such as the Peo-
ples Water Company, which has resources sufficient for many years of growth,
have a stability not found in any other class of security, save Federal and mu-
nicipal bonds.

The reasons which impel municipalities to own and operate water supplies
are:

First—The profit resulting from operation of the plant and the constantly
increasing value of the real estate inure to the public.

Second—Non-users, absentee owners, unimproved properties and personal
property help reduce the rate to consumers by reason of the general taxes pay-
ing part of cost.

Third—In a case similar to that of the Peoples Water Company, lands pur-
chased for a specific purpose increase in value far beyond interest. A munici-
pality can acquire by condemnation the entire watersheds of its system, and by
intelligent forestry make them more than self-supporting, and through its
superior credit secure a low rate of interest, leaving to future generations the
ultimate payment; but no municipality can afford to pay the cost of bringing
water from a great distance, with an abundant local supply available.

WANT CITY TO BUY WATER PLANT

Mayor Mott and Councilman
Pendleton Working on
Proposition

(Continued From Page 1.)

United States Circuit Court will undoubtedly sustain the rates fixed by what is commonly known as the Dornin Council. This means that there will be rebates to rate payers and the city amounting to approximately \$662,000. Off this sum \$62,000 is due to the city directly."

What Pendleton Says

President Pendleton, in speaking of the water company, says:

"We are confronted by a very grave problem—very much graver than is commonly known. We are on the eve of municipal ownership. The reorganization of the water company is only a move in the direction of municipal ownership. "I have devoted much time to the water question. Plans are now complete for the acquisition of the property of the Peoples Water Company. The decision of the Supreme Court leaves no alternative but municipal ownership."

Mayor Mott, in stating the program of the administration, says:

"There is but one goal before the administration and that is the acquisition of the Peoples Water Company's property. There is a question as to the best means of proceeding, but there is no question as to the desirability or advisability of the city securing its own water supply. The decision of the Supreme Court leaves us with a clear date. We are not confronted by any \$7,000,000 valuation. When we do acquire the property we will not pay a cent more for it than it is worth. The present company has, however, a lien on the 'franchise' terms with the administration. It has consented to three reductions in the rates until now the Dornin rates are practically in effect. "I understand that several of the voters of the city organized by the company are favorable to municipal ownership. The only thing that the administration will insist on is that Oakland shall not pay any more for the property than it is actually worth."

Engineer's Standpoint

From an engineering standpoint, the city will have to acquire its own supply. City Engineer Turner, who is out of the city at present, has been in frequent consultation with Mayor Mott and President Pendleton relative to the adequacy of the water supply. He points out that the city is the only corporation with sufficient means at its disposal to acquire an additional supply. In event of one reason of light rainfall, Mr. Turner points out that the city would be facing an actual water famine.

The consensus of official opinion is that if the water company is compelled to pay more than \$500,000 a year, it will not be able to secure additional water on the ground of financial disability. Oakland now is not receiving any more water, with a population of 225,000, than it did ten years ago, with a population of 30,000.

The first actual steps toward securing a municipal water plant will be taken immediately after the coming bond election.

Stearns' Electric Rat and Roach Paste

rids the house of all vermin in a night. Drives rats and mice out of the house to die.

2 oz. box 25c; 16 oz. box \$1.00. Sold everywhere or sent express prepaid on receipt of price.

STEARNS' ELECTRIC PASTE CO., Chicago, Ill.

Kahns'—The Always Busy Store—Kahns'

DEPARTMENT MANAGERS'

SALE

WHICH OFFERS YOU GREAT CHANCES FOR SAVING.



This sale is establishing a new record. Crowds are bigger--values are bigger--business is bigger. In spite of the great selling the original bargains are still practically intact. This sale was planned for a month of record-breaking days, and there will be no signs of lessening assortments for some time to come. So, if you didn't visit us today or yesterday, come tomorrow. You'll find bargains in every department--on every floor. And they are such wonderful bargains that you will not be able to resist the impulse to buy largely in excess of present needs. Watch our windows--not one bargain in five hundred gets mention in our advertisements.

See These Money Saving Items From The Men's Store.

Men's Straw Hats	Men's Soft Hats	Men's Underwear
\$5.00 Hats for . \$2.95	\$3.00 Hats for . \$2.60	\$1.50 Balbriggan . 90c
\$3.50 Hats for . \$2.45	\$2.90 Hats for . \$2.45	\$1.00 Balbriggan . 60c
\$2.50 Hats for . \$1.80	\$2.25 Hats for . \$1.95	\$15.00 Silk Underwear per Suit . \$6.00
Men's Golf Shirts	Men's Stiff Hats	\$10.00 Lisle Underwear per Suit . \$5.00
\$1.00 Shirts for . 65c	\$3.50 Hats for . \$2.95	

These are Some of the Big Values in Our Towel Department

10c Huck Towels. Size 17x34 inches. 7c	12 1/2c Huck Towels. Size 18x36 inches. 8c	15c Huck Towels. Size 20x40 inches. 10c
12 1/2c Turkish Towels. Size 17x35 inches. 9c	15c Turkish Towels. Size 19x38 inches. 11c	25c Turkish Towels. A great big size. 18c

Bargain News from all Around the Store

50c Fancy Silks for . 25c	Women's Suits	50c Hose Supporters. 25c
50c Pongees for . 25c	\$20 and \$25 Suits. \$12.95	75c Hose Supporters. 50c
25c Wash Goods. 11c	\$30 and \$35 Suits. \$17.50	25c Handkerchiefs. 18c
12 1/2c Percales for . 9c	\$45 and \$50 Suits. \$25.00	50c Silk Gloves. 35c
35c and 40c Dress Linens. 19c	\$1.50 Waists for . 95c	15c & 20c White Goods. 9c
50c Dress Goods for . 39c	\$2.50 Petticoats. \$1.25	\$1.00 & \$1.50 Children's Shoes--odd lots--for . 58c
36-inch Scrims for . 3 1/2c	\$3.50 Child's Coats \$1.95	

Kahn Bros
THE ALWAYS BUSY STORE
TWELFTH AND WASHINGTON STS., OAKLAND

CITY OF OAKLAND WINS ITS FIGHT

(Continued From Page 4.)

placed the value of the plant acquired from the Oakland Water Company in 1894, which, in 1907, constituted a part of plaintiff's system at \$2,539,000. This they did solely upon the theory that

it was the price paid by plaintiff for the property. At the time of the arrangement between these two companies, they were and had been for some time competing companies in the business of furnishing water to the city of Oakland and its inhabitants. The deed by which plaintiff

acquired the property and business of the other company recited a consideration of \$1,500,000, and that the conveyance was subject to a bonded indebtedness in the sum of \$1,500,000. It appears that no money passed in this transaction, the \$1,500,000 expressed consideration being paid in stock of the Contra Costa Water Company at its par value. It was assumed that this stock was worth seventy cents on the dollar, viz., \$1,050,000, and by adding this to the bonded indebtedness of \$1,500,000, the value of Mr. Adams and Mr. Schuyler of \$2,539,000 are obtained. This seventy cents on the dollar was the market value of Contra Costa Company stock some few months after the arrangement was perfected, but it had no such market value at the time of the arrangement.

What its value then was does not appear, except that it appears that it was lower than seventy, but it is claimed that such lower price was not the fair price. While the price paid for an article is ordinarily some evidence of its value, the evidence of price here is practically worthless. Regardless of other considerations, it appears that no estimate of the value of the various items composing that property, even including that of Mr. Adams, brought the aggregate higher than about \$2,300,000, and the great weight of evidence in number of witnesses at least put it even far below the amount of the bonded indebtedness. (See *Knoxville v. Knoxville Water Co.*, supra.) Of Mr. Kierstead's testimony as to the value of this property it is sufficient to say that it shows simply a method of arriving at the value which does not appear to us to furnish the least particle of support for any judgment as to the actual value.

His Conclusions

Mr. Kierstead based his conclusion as to the total value of plaintiff's property solely on two methods pursued in determining that value, one of which was properly called the investment method, and the other the capitalization method. Mr. Adams and Mr. Schuyler also used somewhat similar methods in arriving at a conclusion, as confirmatory of their other method of valuation. The data upon which all these calculations were based were very uncertain, in view of the fact already stated that most of the books and records of the Contra Costa Water Company showing details of cost of construction and operating expenses had been destroyed by plaintiff in the year 1899, and to a great extent only certain incomplete memoranda testified to have been taken from the books by the president of the plaintiff, and certain very general statements filed by the company with the city council in the year 1885 and annually since, were available as a basis for the calculations. It was necessary for the witnesses in

making their calculations to assume many things for which no basis existed in the evidence. Taking all of the evidence of this character together, it was too uncertain to afford any measure of or guide to the present value of the property.

The only other expert witness on the part of plaintiff was Mr. Le Conte. He confined himself to estimates of the actual cost of construction, without undertaking to place any value on the aggregate property of plaintiff. If there be deducted from his estimate of actual cost anything like a fair allowance for depreciation, it would be impossible to find in the record a total value of \$7,000,000 or anything near that sum for plaintiff's property, based upon Mr. Le Conte's estimate so far as the cost of construction was concerned.

No Other Evidence

There is no other evidence in the record that would, taken alone or into connection with such portions of the testimony of the witnesses already named as furnish evidence of the value of plaintiff's property, bring the present value of such property as high as \$7,000,000. It is suggested by learned counsel that there are many other elements upon which no value was given by the testimony that might properly have been taken into consideration, and must be assumed to have been taken into consideration by the trial court in arriving at a conclusion as to value, such as appreciation in value, the skill and good management in the upbuilding of the works, the obstacles and difficulties encountered in the construction of the works, the unusual natural advantages presented by the San Leandro Lake as a source of water supply, the fact that the system of plaintiff had been thoroughly tried and proved equal to all demands, the prospective value of the property, the fact that plaintiff was carrying on its business in the exercise of a franchise emanating from the state, and the risks of the business. As to all of these items, regardless of all other consideration, we find no foundation in the record for any additional valuation by the trial court. The burden of proof as to valuation is on the plaintiff seeking to show the invalidity of such an ordinance as the one we have before us, and he must comply with evidence as well as warrant the valuation he seeks to have placed upon his property. (See *San Diego Water Co. v. San Diego*, 118 Cal. 573.) A trial court is not warranted in indulging in mere conjectures or surmises as to the value of certain alleged elements, and in basing its conclusion as to the value of the whole property in part thereon. We are unable to conceive of any proper theory upon which the finding of the trial court as to value can be held to be sufficiently sustained by the evidence.

Is No Claim

As to the facts surrounding the adoption of the ordinance and the contention of plaintiff based thereon, it is necessary to say a few words. There is no claim, as we understand it, that there was any actual fraud on the part of the council, or that the members of the council did not act in good faith and with the belief that they were fixing rates that would insure a fair and just return upon the actual value of plaintiff's property, and the findings do not, as we understand them, intimate anything of this kind. So far as the findings may imply that the ordinance was passed without any opportunity to plaintiff to be fully heard on the question as to the proper rates to be fixed, we think that the evidence does not support the conclusion. The time for the annual establishment of rates was fixed by law. Under the act of March 7, 1881 (Statutes of 1881, p. 54), it was the duty of the plaintiff to furnish the council in the month of January with a detailed statement showing the names of water-rate payers during the year preceding, and also "all revenue derived from all sources" and an itemized statement of expenditure. This statement was furnished. It was also the right of plaintiff to furnish with such statement, a detailed statement of the amount of money actually expended annually, since commencing business, in the purchase, construction and maintenance respectively, of the property necessary to the carrying on of its business, and also the gross cash receipts annually, for the same period, from all sources. Plaintiff had the right to fortify this statement by such explanations and proofs as it might seem fit to insert. This was a full and sufficient opportunity to present its case. (See *San Diego v. San Diego*, 114 Cal. 573.) It may be that common fairness would demand that plaintiff should be allowed, if it so desired, to supplement its written statement with proof and argument before the council. The evidence shows that such opportunity was accorded, and that the president of plaintiff appeared before the council in its behalf on two occasions.

No Request Denied

No request made by plaintiff looking to a further opportunity to present proofs or argument or to be present at any investigation of the council or its committee to which the matter was referred was denied, except the request made after the investigations of the council were completed and the ordinance was about to be voted on. It certainly cannot be held that the refusal of the council to then suspend proceedings and enter into a further investigation, especially upon the very general statement of the president as to what he could show, amounted to a deprivation of an opportunity to plaintiff to be fairly heard in the matter.

Hunyadi Janos

Best Natural Laxative Water

Do you know that your stomach or bowel trouble and the indigestion that goes with it can be relieved quicker and better by using HUNYADI JANOS WATER than in any other way? It is easily taken--a glass on arising--and you have no bad after-effects. Ask your physician--he will recommend it--and you will be satisfied, as are so many others. Try it yourself for

CONSTIPATION

Nine years ago Superior Judge E. C. Hart of Sacramento decided after a long trial that the Contra Costa Water Company's plant was worth \$7,000,000 for rate fixing purposes. This was in a suit brought by the water company to declare the City Council's action void in fixing water rates upon a much lower valuation. The city was enjoined from enforcing the rates and for months the trial dragged. From Judge Hart's decision appeal was taken. All the prepared transcript was destroyed in the fire in San Francisco. This required more delay. The late Robert Y. Hayne conducted the case for the city. A. A. Moore and E. J. McCutchen represented the water company.

ter of the fixing of the water rates, or indicated any unfairness on the part of the members of the council. We are satisfied that the evidence is not sufficient to sustain the conclusion that the rates were established by "a merely arbitrary conjecture . . . not based on investigation or the exercise of judgment or discretion." (See *Railroad Commission v. Cumberland, etc., Co.*, 29 Sup. Ct. Rep. p. 357.) We are not to be understood by what we have said as intimating that if these findings were sufficiently supported by the evidence it could make any difference in our disposition of this appeal, in the absence of a finding as to value sufficiently sustained by the evidence.

We are satisfied that all of the other findings in this connection are immaterial on this appeal, in view of our conclusion that the finding as to the value of plaintiff's property is not sustained by the evidence. In the absence of finding on that question, we cannot determine that the compensation afforded by the ordinance is not a just and reasonable compensation, and if the compensation afforded be just and reasonable, plaintiff cannot complain in the courts as to the methods used by the council in arriving at the conclusion embodied in the ordinance. We cannot do better than to quote what was said by Judge Farrington in this connection, in *Spring Valley Water Co. v. City and County of San Francisco*, supra: "This case comes here on one vital issue: Are the water rates confiscatory?"

Mere Incidents

To this all other questions involved are mere incidents. If the water rates in question are confiscatory, then the ordinance is repugnant to the federal constitution, and must be pronounced invalid. Its invalidity cannot be healed by showing the supervisors were actuated by the purest motives, that they committed no error in applying the law to the facts, and that their deliberations were conducted in strict obedience to the rules which govern courts in the administration of justice, and in the admission and rejection of evidence. But, on the other hand, if it appears that the rates will afford complainant a just and reasonable compensation for the use of its property, the ordinance is not repugnant to the constitutional provision involved, because it does not deprive the company of anything whatever. And this is so even though it be shown that the board in its proceedings violated every rule in the law of evidence. The rates are either just and reasonable or unjust and unreasonable, and that fact must be ascertained by this court from its own independent investigations, and not from a review of the proceedings before the board of supervisors to ascertain whether it erred in the admission or rejection of testimony, or whether, on the testimony before that body, it should have arrived at a different conclusion. We have already quoted from Justice Van Fleet in *San Diego Water Co. v. San Diego*, supra, as to the function of the courts in cases of this character, as follows: "All that they have to consider is, whether, in a given case, the result of the council's action will be to take the property of the complaining party without just compensation." Indeed, we do not understand learned counsel for plaintiff to claim that they are entitled to any relief in the courts as against the ordinance unless the rates fixed are unreasonable and unjust, and, amount, legally, to a confiscation. We do not read the opinion in *Spring Valley Water Co. v. San Francisco*, 82 Cal. 286, or the opinion of Judge Van Fleet in *San Diego Water Co. v. San Diego*, supra, as declaring a contrary view. There are many other matters discussed in the briefs, but we do not consider it necessary for the disposition of this appeal to consider any of them. The judgment and order denying a new trial are reversed.

ANGELLOTTI, J.
We concur:
SHAW, J.
SLOSS, J.
LORIGAN, J.

MAN LOSES HIS TOES.

Dennis Callahan of 553 Adeline street, employed on Western Pacific Railway construction, was the victim of an accident late yesterday afternoon that necessitated the amputation of the fourth and fifth toes of his right foot at the Receiving Hospital. The operation was performed by Dr. Larkin and Bell. A steel rail fell on Callahan's foot while he was helping to lay it, crushing the toes in a horrible manner.

NEW CHUTES

Fillmore-Eddy-Turk-Webster

SAN FRANCISCO.

GRAND OPENING

WEDNESDAY, JULY 14

WATCH

Sunday's TRIBUNE for Mammoth Announcement.

1000--SURPRISES--1000

"Everything New But the Name"



Anty Drudge Causes a Panic in Washboilers.

Anty Drudge--"Well, well, well! So my work is beginning to show even in the store windows. When I see washboilers offered at half price, I feel just as though the women were thanking me for releasing them from the slavery of the old-fashioned washday, with its back-breaking rubbing--its ruinous boiling--and its sickening smell. For Fels-Naptha changes washday to play-day."

Modern progress hasn't forgotten the woman at the tub.

Fels-Naptha proves that.

Time was when medicine wasn't considered good unless it was strong enough or tasted bad enough half to choke the patient.

Some folks who don't know about that new way of washing think that wash-day must be a day of seething suds, scalding water, perspiration and general misery.

But Fels-Naptha is converting these people who have been tied to the not-good-enough method.

You see there is a way to wash clothes summer or winter in cool or lukewarm water, a way that saves your strength, your time and your temper, and preserves the garments from the ruinous, fibre-destroying boiler.

That way is the Fels-Naptha way.

Look for the red and green wrapper.

Ye Liberty

TONIGHT

and all this week--Matinee Saturday and Sunday
Bishop's Players Present

The Heart of Maryland

David Belasco's Celebrated Romantic Civil War Play--Stupendous Production and Notable Cast.
ENTIRE HOUSE--25c and 50c--ALL PERFORMANCES.
Next Monday--"The Regeneration"

OAKLAND Epheum

Twelfth and Clay sts.
Sunset Phone, Oakland 711, Home Phone A-3323.

VAUDEVILLE AT ITS BEST

"The Futurity Winner"
Showing an Actual Race.
James Thornton
In "Songs and Sayings."
Gamille Trio
Comedy Vocalists and Bar Performers.
Clarke & Bergman
"The Chauffeur and the Maid."
Elizabeth Murray
Character Songs.
Warren, Lyon & Meyers
Comedy Sketch with Music.
Sisters Gasch
Lady Gymnasts.
New Orpheum Motion Pictures.
Last Week of
Adelaide
And Her Dancing Four in
"THE BILLPORTER'S DREAM"
FIVE--Evenings, 10c, 25c, 50c, 75c.
Box Seats, 5c. Matinee (except Sunday and Holidays), 10c, 25c, 50c.

BROADWAY THEATER

Both Phone--2795
GUY C. SMITH, MANAGER.
Evenings--15c, 25c, 50c.

MATINEES Wednesday Saturday Sunday 10c-25c

LANDERS STEVENS
GEORGIE COOPER
AND THE
Broadway Stock Company
PRESENTING THIS WEEK
A Stupendous Comic Production of the Famous Comedy Drama,

"PALS"

By Edmund Day, Author of New York's Greatest Success, "The Round Up."
SEP--The Terrific Pistol Encounter between the Two Pals, as originally done by James J. Corbett with Tremendous success in the New York run of the above play.
Next week--"STRONGHEART."

French Bakeries Company

J. CASSIDY, Manager.
N. W. Cor. Fifth and Clay Sts.
Telephone Oakland 355.

First quality French Bread delivered to all parts of Oakland, Berkeley and Alameda. Leaves made to order for cake.

Laugh

till your sides ache
at that Funny Minstrel and Comedian

Carroll Johnson

at the
Bell Theater
8--BIG FEATURES--8

IDORA

The GREATEST PROGRAM ever presented on the Pacific Coast.
Every Afternoon and Evening
ERLINGER AND HIS BAND

51--Distinguished Musicians--51
BEATRICE FISCHER.
The Noted Prima Donna Soprano.
BERT MORPHY.

Hear him sing the Latest Eastern Hits: "Games of Childhood Days" and "Sweet Polly Primrose."
K. L. T. Ranch Wild West Show.
Athletic Attractions, Conical Clowns.

MACDONOUGH

Chas. P. Hall, Prop. & Mgr.
Phone Oakland 17.

TONIGHT

Charles Frohman Presents

Marie Doro

In "The Morals of Marcus"
July 12 Week, "The Servant in the House."

ALL BRANDS OF THE BEST WHISKIES AT THE E. F. THAYER CO. 907 Broadway, Oakland

THE RED FRONT

Broadway at 9th Street

Lest you forget our

MID-SUMMER

CLEARANCE SALE

Because of unsettled weather in the early summer season, we find now more of summer goods on hand than we care to have, and are making heroic efforts to dispose of our large stock at once.

The offerings here mentioned evidence our intentions

Our Tremendous Clothing Stock is divided into three lots at following reduced prices:

LOT 1--\$12.50	LOT 2--\$17.50	LOT 3--\$25.00
\$13.50 and \$15.00 Suits; light and dark patterns.	\$20.00 and \$22.50 Suits; light and heavy weights.	\$27.50 and \$30.00 Suits; the very best in town.
Sale \$9.50	Sale \$14.75	Sale \$19.50

SPECIAL 2-piece Outing Suits for Vacation and travel; \$12.50 values \$3.95

Our Furnishing Dept.

is full of bargains.
\$1.50 Outing Shirts. 95c
\$3.00 and \$3.50 Outing Shirts. \$1.95
\$3.00 Silk and Pongee Shirts. \$2.45
\$2.00 Pongee Golf Shirts. \$1.15
\$1.25 Lisle Underwear. 70c
\$1.50 Otis Sea Island Lisle Underwear. 85c
Up to \$1.00 values, B. V. D., Porous Knit, Lisle, Balbriggan and Derby Ribbed Underwear. 45c

PANTS

\$3.00 Corduroys, Wool and Worsted Pants. \$1.95
\$3.50 peg top Corduroys. \$2.35
\$4.00 Corduroys and Worsted. \$2.75
\$5.00 and \$6.00 Dress Pants. \$3.75

HATS

\$3.00 Felt Hats, odds and ends. 95c
\$2.50 and \$3.00 Milan and Split Straw Hats. \$1.65

WEDNESDAY,
July 7, 1909.

THE TRIBUNE'S EDITORIAL PAGE

W. E. DARGIE
President

Alameda County's Splendid Financial Condition.

At the regular meeting of the Board of Supervisors held yesterday County Clerk J. P. Cook made the cheering statement that after the satisfaction of the few outstanding claims against Alameda county at the close of the fiscal year 1908-09, the county will be not only entirely out of debt, but will have over \$200,000 to the good, as per statement:

COUNTY GENERAL FUND.

Balance in fund July 1, 1909.....	\$254,594.78
Less claims in hand.....	\$14,165.00
Estimated outstanding not filed.....	20,000.00
Transferred to pay claims 1906-07.....	18,999.57
Balance remaining.....	\$201,430.21

In answer to a question asked by Supervisor Bridge, Clerk Cook explained that the alleged deficit, of which so much had been said, had been caused by the failure of the water company to pay its taxes in the fiscal year of 1903-04. The delinquency of the water company had been carried on the books from year to year, and while it was in that undetermined state it made a fictitious deficiency in the general fund which is now being abolished, as the company is paying up its obligation to the county and which, when fully paid up, will place to the credit of the county treasury a sum equal to the corporation's indebtedness. This leaves the county in the condition shown in the foregoing statement, with a surplus of over \$200,000.

And yet during the five years this indebtedness has been carried and an apparent deficit in the county funds existed, more public improvements have been made in the county of a permanent character than was ever made before during any corresponding period in the county's history and that with less distress to the taxpayers—President, Horner and Supervisor Kelly—who were responsible for the good work that has been accomplished during that period. Is there another county in the State which can make an equal showing? Honestly speaking, we think not, for there is no county in California today which can boast of as good highways and as well equipped and maintained public institutions as Alameda county, and, at the same time, point to the fact that it is out of debt and has a surplus of over \$200,000 in its treasury. Results count, and the results in this case are pre-eminently satisfactory to the county's best interests and highly creditable to the supervisors who have produced them. If the present board makes as good a record, which THE TRIBUNE has faith it will, the public will have no cause for complaint, but rather, for congratulation.

S. P. Co.'s Electric Franchises.

Having overcome the objections to the granting of a franchise to construct and operate an electric railway along Franklin street north of the present terminal of the Webster street steam railroad at Fourteenth street and Franklin, the Southern Pacific Company is now in a position to carry out its plans for electrifying the local "narrow gauge" system and extending it to San Pablo avenue. It has, therefore, revived its applications for a fifty-year franchise to cover the proposed extension and for permission to change the motive power of the Webster street line from steam to electricity. To enable it to overcome the opposition to its application for the Franklin street franchise when first filed nearly two years ago, the company was compelled to buy a majority of the frontage between Fourteenth and Twentieth streets. That was accomplished within the past few months through Charles H. Conklin, acting as agent for the corporation. From Franklin street to San Pablo avenue the company bought a right of way through the property lying on the south side of Hobart street. There is, consequently, nothing now interfering with the regular passage of the ordinances granting the franchises pending before the Council.

As soon as these franchises are granted the company will doubtless proceed with the construction of the Franklin street extension. The conversion of the Webster street line into an electric railway is a comparatively simple matter, as the major part of the rails are already electrically tied for the operation of the signals now in use. Of course, neither the Alameda, the Berkeley, nor the Oakland electric railway system will be operated until the power plant on the north side of the tidal canal is completed. That is now in course of construction. But the machinery to be used for the generation of electric power is lying in the West Oakland yards and will be installed as soon as the power house is ready to receive it. Much of the operating plant is on hand and contracts were let some time ago for the rolling stock which will consist of the finest passenger and motor cars employed on any electric railway in existence.

The Fatal Policy of Concealment.

The persons who attempted to conceal the facts in relation to the death of Mrs. de la Montanya made a mess of things, and have brought a deal of unpleasant notoriety upon themselves. Incidentally Coroner Leland appears to have passively connived at a concealment which has reacted disastrously on himself and those who attempted it. After one of the male members of the dinner party which came to a tragic end with the death of the beautiful hostess had given him a full account of the circumstances, he went off to Santa Cruz and permitted false statements given by the persons present to go out uncontradicted. He gave no information to the police, and thus aided in the attempt at concealment.

Of course the notoriety attending the melancholy affair was unpleasant to those concerned, and the desire to avoid it was natural; nevertheless it was the duty of those present to make the facts known promptly. In such cases public policy demands a full investigation. For a variety of reasons all the circumstances should be ascertained and made known, and had the persons present when Mrs. Montanya was shot given out a frank and prompt statement of the facts they would have avoided much of the unpleasant notoriety they are now subject to. Public curiosity and suspicion would not have been aroused, and the necessity for a police investigation avoided. It would have been altogether better for the dead as well as the living had this course been pursued.

The Coroner is to be censured for conniving at a concealment which it was his duty to frustrate. The facts of such a case should not be suppressed by private arrangement. It was the duty of the police to clear up all doubts as to how the woman came to her death, yet the officer of the law charged with the duty of ascertaining the cause and manner of death accepted in private an expedient statement of one of the parties present at the lamentable affair and allowed the police to grope after the facts and be deceived by false statements.

Now prurient speculation is busy regarding the affair. This is the plain truth however unpleasant it may sound. Clearly Mrs. de la Montanya was killed by accident or committed suicide. In either case, her demise was a shocking end to the dinner party festivities, but had the Coroner's office and the police been promptly apprised of the facts the disagreeable notoriety would have been transient. As it is, the concealment proved futile and gossip is busy supplying reasons for the desire of the male members of the dinner party to prevent their presence at the death-bed feast being made public. They must realize now that it would have been infinitely better to have told the truth at once.

Why are not time cards posted in conspicuous places at the Southern Pacific railway station on First street, between Broadway and Franklin? There is much complaint of the station agent's neglect to furnish this small accommodation to the traveling public. Surely the company desires to afford every reasonable convenience to its patrons, and posting time cards is a matter of so little trouble and expense that it is surprising the station agent should decline or neglect to do it. It would really be to his own convenience, for posted time cards would save him the trouble of answering many questions. In a matter of this kind it should not be necessary to address complaints to a higher authority, but apparently some men had rather be disobliging than not, and hence fail in their duty till direct orders are issued by official superiors. In this instance the Southern Pacific Company is being criticized harshly for a negligence that could be remedied in five minutes at practically no cost whatever. Naturally one is disposed to ask why.

To rid transatlantic liners of professional gamblers who fleece unwary passengers, it is now proposed to open a rogues' gallery in which the photographs of these pests of ocean travel will be conspicuously displayed in each vessel to warn the traveling public. Up to the present time the Atlantic passenger carriers have been unable to emancipate themselves from these professional blacklegs who make a business of crossing the ocean to and fro to carry on their nefarious trade. If the steamship companies carry out their reputed intentions, the exposure of the rogues' gallery is sure to drive the whole fraternity off the sea where they seem to be immune from the laws which apply to their ilk on shore.

American and Japanese statesmen continue to indulge in exaggerated expressions of friendship on all public occasions. Why is it necessary to keep up this rapid fire of peace talk? Real friends are not in the habit of falling on each other's necks and swearing eternal fidelity every time they meet. It is a trifle inexplicable, therefore, that Japan and the United States should be forever assuring each other of their undying love and respect. Is there not a good deal of humbug in this perpetual glad hand business?

The soundness of the credit of the towns of San Leandro and Pleasanton is shown in the high premiums which their recently issued bonds brought when the Board of Supervisors yesterday, San Leandro's issue of \$60,000 was taken by the Central Bank at a premium of \$6,096, and Pleasanton's issue of \$20,000 secured a premium of \$1,511.40 from the same source.

SOME RECENT Clerical Bulls

The proceedings at a recent church congress were enlivened by the intrusion of several very fine bulls, of which the following are samples: At one meeting Canon A. W. Robinson, in his opening remarks, warned his auditors that his speech would be "pointed to the verge of bluntness," while later in the evening Sir A. Coote, explaining his presence at such a gathering, said that he was like "one of those satellites of Jupiter which, when they were visible, were always obscured."

The late Mr. Spurgeon was a keen collector of mixed metaphors, finding a rich field in the correspondence that daily overwhelmed him. A lady, enclosing a small contribution for his schools, wrote: "I hope this widow's mite may take root and spread its branches until it becomes a Hercules in your hands." The pulpit prayers of ambitious probationers added something to the great preacher's store.

One prayed that "God's rod" and staff may be ours while tossed on the sea of life, so that we may fight the good fight of faith and in the end soar to rest." "We thank Thee for this spark of grace; water it, Lord," was the sententious, almost imperious, entreaty of another promising young man. Still another prayed, "Gird up the loins of our mind that we may receive the latter rain." "As if we were barrels whose hoops were loose," was Mr. Spurgeon's laughing comment.

It was an Irish clergyman who remarked, sadly, "This is a sad and bitter world; we never strew flowers on a man's grave until after he is dead," while another Irishman, clerical, preaching a funeral sermon while the corpse lay before him, exclaimed, "Here, brethren, we have before us a living witness and a standing monument of the frailty of human hopes!"

Equally unconscious of his humor was the parson who, at the close of his sermon, said: "And now let us pray for the people on the uninhabited portions of the earth;" as also the minister, who, pleading for funds for a parish cemetery, asked his parishioners to consider the "deplorable condition of thirty thousand Christian Englishmen living without Christian burial."

Even more unfortunate was the clergyman who was addressing a woman's missionary meeting. "My sisters," he said, solemnly, "it is terrible to think that thousands of millions of rum go into Africa for every brother who is sent there." "Father a large allowance for one missionary," was the whispered comment of one of the sisters to her neighbor.—London Tit-Bits.

Pointed Paragraphs

The road to ruin is always kept in good repair.

A man's good opinion of himself is the real thing.

When trouble goes to sleep don't set the alarm clock.

The open season for swapping kisses is never closed.

Better a good paying job than a low-salaried position.

Some people fail because there's nothing to eat in the house.

If you are not satisfied with your lot trade it for a better one.

The tax assessor thinks he has an excuse for being a pessimist.

Five cent transatlantic parlors are responsible for a lot of bad scrapes.

It gives us a terrific jolt every time we hear our friends praise our enemies.

It will soon be the open season for teaching the summer girl to swim all over again.

Although people realize that they can't live forever, dying is the last thing they want to do.

When a man has had occasion to employ a first-class lawyer you can't convince him that talk is cheap.

No, Alonzo, the money used to maintain the naval submarine service isn't taken from the sinking fund.

A woman's idea of economy in shopping depends on whether she is buying things for herself or for her husband.

Most of the people who want to get out of the matrimonial frying pan do so because they want to get in it again.

If a girl can pass her thirtieth birthday without detection she begins to think the dates in the family record may have been slightly mixed.

About the meanest thing one woman can say of another woman's appearance is that she looks as if she had dressed while running to a fire.

Poet's Corner

Who has it said der atmosphere
As light as foam on top of beer.
Und has Chon Bill knockdown mit fear?
Meinself—Count Zep.

Who has it always in a smash,
Und in der trees iss going crash!
Und swears der German three em dash?
Meinself—Count Zep.

Who patches up his could machine
Und buys more Chon D. gasoline,
Und sails again, calm und serene?
Meinself—Count Zep.

Who beats all sky men in a flight,
All but those Yankee Brothers Wright?
Who does admit der've ausgesight?
Meinself—Count Zep.

—Denver Republican.

Topics, Timely and Interesting

Residents of a miserable seaport on the Persian gulf called their town Bushire (Boosheer). Its narrow, dirty, ill paved streets British tars are now patrolling in the interests of Persian and British commerce. The city is visited by earthquakes and simooms and stunts its children of wholesome air and fresh water. It appears, however, to have enjoyed a high repute among the ancient Blamites, who have left buried about under moldering heaps bricks with cuneiform inscriptions. In summer the citizens of Bushire live in a heat that is almost unbearable.

Mr. Rogers was clearly imbued with the ambition of perpetuating as well as creating a great estate. Of the entire amount but \$200,000 has been made available by bequest. That sum goes to the modest little town of Fairhaven as a memorial legacy; a constant reminder that the rest of the estate shall be held in trust until the various legatees reach the age of 40 years, when one-half of each individual bequest is to be released, the rest to remain intact during the lifetime of the legatees. There are some other provisions for minor heirs, but in all these the principal is to revert to the residuary estate at death.—Portland Telegram.

If you had quite an ordinary orchid collection you could take up one of the better bulbs that had flowered prettily and go out and buy with the proceeds of its sale a peachblow vase, a high-powered touring car or a reasonably safe and sane balloon.

London auction knockdowns recently ran from 60 guineas to 250 and 340 guineas, and so on, and the highest price, 875 guineas (\$14,500), was not for a wild but for a garden hybrid, an Odontoglossum crispum "Roger Sanders." W. Thompson, of Galton Grange, Staffordshire, realized from 60 to 360 guineas (or from about \$314 to \$1,860 each) for bulbs of "duplicates" in his collection. Last year a garden hybrid Cypripedium went for the equivalent of \$1,500, and a Brussels buyer paid \$4,360 for a wild Cooksoniae crispum. Count Apponyi, of Budapest, paid \$5,000 to a Venezuelan for one of a species so gigantic that oxen were required to convey it and the section of tree to which it was attached. Because a Cattleya had a violet but corolla instead of the violet rose corolla of its species its price leaped \$250. For the Pittman of the H. T. Pitt collection a small plant, the high bid was \$9,000. Mr. Pitt himself paid \$6,500 for the celebrated imported Peristemon Cilepium. This had been bought in open market, before flowering, for 36 cents. It is the plant that has demonstrated how it can bloom that costs dear. For the spotted Cypripedium "Frederic Sanders," Mr. Pitt, after seeing the bloom, paid 2,000 guineas—nearly \$10,500—Franklin Clarkin, in Everybody's.

The office of sheriff of Cook county, Ill., which includes Chicago, is not likely to be so "fat" after the close of the present incumbent's term. Governor Deane has signed a bill, urged by the Citizens' Association, taking from the sheriff the feeding of jail prisoners. In a recent report the association said: "In 1908 the inmates of the county institutions at Dunning were fed for about 13 cents per capita a day, while the sheriff was allowed 20-1-2 cents a day for feeding each prisoner in the county jail. If Cook county could have fed the 640 prisoners in the county jail as cheaply as it fed its wards at Dunning, it would have saved \$17,500 in that year; and if the county could have fed the jail prisoners as cheaply as the city of Chicago fed its prisoners at the House of Correction, where the cost was 11.6 cents per capita a day, it would have saved nearly \$20,000. There is no reason why the jail prisoners cannot be much better fed than heretofore without exceeding these figures."

At the recent convention of the International Association of Chiefs of Police, in Buffalo, the biggest man present was Michael Regan, the head of Buffalo's police department. Chief Regan could easily qualify for New York's crossing guards' squad, as he stands six feet four inches in his stockings. He was elected vice-president of the association.

It has been left to the managing board of the Moscow, Windau and Rybinsk Railway to turn the gramophone to practical use, for the board has announced its intention to set up a huge gramophone at the Moscow station of the line, so that the arrival and departure of every train can be announced clearly to the traveling public. At the same time the gramophone will sound the bell three times as usual, before a train starts on its journey. As over 70 per cent of the people of European Russia are unable to read or to write, the ordinary time tables are not of the smallest use to them, and the gramophone referred to has a splendid future before it. If only it can be made to speak clearly and loudly enough.—London Globe.

Co-Education at Close Range, as Observed in University of Wisconsin

What are called "practical" subjects occupy the young men, while the maidens seem more and more to monopolize the "humanities." On the broad steps of the Engineering Building, for example, one never sees a mingling of the sexes; always a crowd of youths waiting for their classes to begin, and now and then relieving their feelings by chanting college anthems, one of which, the hymn to Alma Mater, has a good deal of musical charm. Over against them, across the campus on the steps of the Law Building, is another crowd of boys, who now and then yell defiance at the future engineers. On the other hand, literature, poetry, art, the culture languages, the more humane and refining elements of learning, draw a great preponderance of girls; so that they often outnumber the boys in these classes by three or four to one, and some of these classes tend to become exclusively feminine. Then there are debatable subjects, such as European and American history, where the numbers are more nearly equal. And on this neutral territory, I believe, a fierce and memorable storm raged about a year ago. It was suggested that, where the classes were so large as to be unwieldy, and where the numbers of the young men and maidens were fairly equal, it might be at once practicable and desirable if the classes were divided into two sections according to sex, each sex having a class to itself. This, it was thought, might make for more concentration, and better results might be obtained. I believe that this seemingly harmless and perhaps really useful idea aroused a storm of opposition, not so much from the youths and maidens, as from the parents, who denounced the practice as un-American and undemocratic. All of which shows that much depends on the point of view. But as the parents represent the people of the State of Wisconsin, and as the university belongs to the people of the State, this view naturally prevailed, and no further efforts at segregation were made.—Charles Johnston, in Harper's Weekly.

Nitro-Glycerine

Nitro glycerine, the most terrible explosive known, is one of the safest substances manufactured, if it is treated with the requisite amount of care. It is not, as the majority of people believe, some frightful, dormant mixture, ready to go off with the most minute disturbance, but is a powerful explosive requiring heavy concussion and high temperature before instantaneous combustion takes place.

Its composition is ordinary sweet glycerine one part, and a mixture of nitric and sulphuric acid, seven parts. The acid mixture consists of one part nitric to three parts sulphuric. The sulphuric acid takes no part in the reaction, but simply neutralizes any heating effects from the dater that results from the nitric acid.

As there is bound to be heat produced to a certain extent from this action, the mixers are lined with pipes through which brine as cold as possible is continually flowing; but there will also be a gradual rise of temperature at the point where the glycerine comes into contact with the acids, as it is slowly running into the mixer. In order to counteract this, the mixers are placed in the mixer and are continually turning, thus mixing up all the several portions, and keeping the whole at a constant temperature. When all of the glycerine is run, the stirrers may be stopped, but not before, otherwise instantaneous combustion would take place at the point of contact of the acid and glycerine, and result in an explosion.

After being drawn from the mixer, the contents is run down to large tubs called separators, where the sulphuric acid sinks to the bottom, and leaves the nitrate glycerine, which is drawn off. As there is always some of the sulphuric acid remaining after separation, this is washed out in tanks called the washers, by means of salt water and soda water, which is poured into the washers and mixed with the nitro glycerine by means of air agitation. The oil again rises and is drawn off.

Nitro glycerine is now ready for use in making dynamite. Hence by a careful inspection of the machinery used in its manufacture, and by close watch of the various thermometers, all dangers may be eliminated.

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Reflections of a Bachelor

It will be really, truly heaven if there are no relations there.
Half the time when a girl thinks she's in love she's only jealous.
A woman wants to cheat the custom

Tariff Talk

Aldrich is doing his best to create a consumers' party.—Syracuse Post-Standard.

To tax art is as harmful as taxing education, civilization. Such a policy would result in making the United States crude and barbaric in its ethical standards.—The Modern Boar.—From the Columbia (S. C.) State.

No one can with good reason question the correctness of Mr. Bryan's election of Senator Stone and the seventeen other Democratic Senators who voted for a tax on iron ore. They have put the Democratic party in a false position before the country, and their explanations serve to make a bad matter worse.—From the Chester Herald (Dem.).

If art works were admitted free there is many an American of large wealth who would devote much of his abundance to the purchase of such works, and many of the collections, sooner or later, would become the property of the public. American money has gone to Europe to purchase them, and we are out both the money and the paintings. If admitted free we would have the works, even if Europe should have the purchase price.—From the Washington Star.

The south is a producing section. Its chief resources are raw material, and it will never consent to compete in the market of the world on what it sells and be confined to the American market for what it buys. It will object to selling its wool, hides, rough rice, raw sugar, ore and other products on a free trade basis, and buying its clothing, shoes, dressed rice, refined sugar and hardware on a protection basis.—From The Houston Post.

With the right sort of a tariff enacted it would seem that the country should soon be on the high road toward prosperity again. Thus far the tariff which the Senate has been shaping is not the kind of a tariff which the platform promised or which the masses of the Republican party want, but there is some hope that there will be henceforth a check in the upward drift in the duties. The Senate is beginning to hear from the Republican newspapers all over the country.—From the St. Louis Globe-Democrat.

Twenty Years Ago in City of Oakland

Sunday, July 7, 1889.

William Stewart, a white man, and George Martin, a negro, jumped off the Seventh street local train while it is passing Cedar street and are thrown heavily to the ground. Stewart sustains concussion of the brain. Both are removed to the Receiving Hospital, where they are attended by Dr. E. H. Woolsey.

Mrs. Alexander Willis, wife of the misadventured contractor, issues a voluminous "The Story of Lavinia, a Daughter of Samoa." It is a story of Mrs. Willis' own life and of her marriage to Willis. It is quite a romantic tale.

Walter Walker, a boy residing at 465 Seventh street, while crossing Ninth and Franklin streets, is run over by one of the wagons of the People's Express Company. He is painfully injured on one leg and is taken to the Receiving Hospital.

Acting Mayor Cameron is to bring before the Council the question as to who is police justice of this city. Judge Caldwell is occupying the bench, although there are two city justices, one of whom the Whitney law says shall be appointed by the mayor to serve on a police bench. Cameron is to ask for a legal opinion on the subject. The two city justices are F. W. Henshaw and F. S. Ogden.

Kevin Winfield purchases from Martin Levin of Livermore a portion of the latter's ranch in Dublin county, comprising 100 acres at the rate of \$40 per acre.

Mr. Mills, said the spokesman of the working men committee, "we have come to tell you, sir, that we want shorter hours and—"

"Very well," interrupted the busy manufacturer; "we'll begin right off with shorter dinner hours."

house because it may get a head start at it and cheat her.

When people can be genuinely charitable it is to themselves.

A woman doesn't really begin to have faith in a man until other people lose it.

The reason a girl can have such a good time at a baseball game is a home run sounds so sentimental.

POLICE TO AID IN WAR ON FLIES

Berkeley Health Officials Out-
line Vigorous Campaign
Against House Pests

STABLES MUST BE KEPT
IN SANITARY CONDITION

Instructions in Insect Destruc-
tion Will Be Distributed
Among Housekeepers

BERKELEY, July 7.—Commissioner of Public Health and Safety Chris Hoff and Professor W. B. Herms, of the entomological department of the university, attended the meeting of the Berkeley Chamber of Commerce last night for the purpose of joining in the discussion of plans to do away with the house fly pest. Others who joined in the discussion were F. W. Richardson, W. A. Gates, C. A. Griebe, H. D. Irwin, S. J. Hill, Charles H. Spear, W. L. Woodward and W. B. Woodley.

Councilman Hoff said that he feels an intense interest in this question, claiming that it concerns the health of the community. He looks upon the movement to suppress this nuisance as properly within the province of the municipal government, and will do all in his power to accomplish the object desired. Already he has made an inspection of the fire house of the city and finds that the city of Berkeley is most flagrantly violating the ordinance that is framed to regulate the cleansing of stables where horses are kept. He has reported the matter to the city council, and the matter of building sanitary receptacles for debris has been referred to Commissioner McClure, commissioner of public works.

Issue Circulars

Professor Herms showed a preliminary circular letter of instruction for housekeepers, that has been issued by the Oakland Board of Health. He has only 1,000 copies, and needs more in order to properly serve the city. He said that he has planned a sanitary receptacle that will be effective and at the same time inexpensive, so that owners of horses will not be burdened financially by preparing to obey the law. After a conference between Councilman Hoff and Professor Herms it was agreed that joint action will be taken at once to enforce the ordinance. The members of the police force will be specially instructed in their duties, and due warning will be given to all interested.

Urge Co-operation

Citizens will be urged to co-operate with the authorities in this matter, and only those who persist in defying the law will be arrested, but it was made clear that Councilman Hoff intends that the ordinance shall be strictly enforced.

Walter A. Gompertz was unanimously elected as a member of the board of directors in the place of F. E. Reed, who resigned on account of removing to Oakland.

Carl H. Webb was elected to membership in the club.

Announcement was made that arrangements for the annual dinner are well under way. The dinner is to be served in Masonic temple Tuesday evening, July 27, and the charge will be \$1.50 per plate.

**MRS. J. F. WHITWORTH
DIES IN MOUNTAINS**

BERKELEY, July 7.—A telegram from Sierra Madre, California, advised news of the death of Mrs. John F. Whitworth, widow of a well known Berkeley pioneer, who died in 1901. Mrs. Whitworth was a sister-in-law of the late Dr. George F. Whitworth, who died last February. The remains will be brought to Berkeley for interment.

The Misses Susie and Marie Tate of Knoxville, Ill., are spending a few days visiting friends in San Francisco and Berkeley on their way to the fair at Seattle. Miss Susie Tate is proprietor of a store in Knoxville and her sister, Marie, is a teacher in the Knoxville high school. They are nieces of C. M. Tate of Berkeley.

Mrs. William Chamberlain, her daughter, Miss Evelyn Chamberlain, and the guest, Miss Jensen of San Jose, have gone to Walnut Creek to spend the summer at the summer home of the Chamberlains.

Mrs. M. A. Holmes and daughter, Miss Frances Holmes of Los Angeles, are guests at the home of Colonel T. J. Wilson of 1917 Vine street.

Mr. and Mrs. Charles H. Spear entertained Monday evening at their home on Grove street at a picnic party, a luncheon, served in the basement, being the feature of the evening. The basement was fitted to represent a sylvan scene, with trees, grass, etc., and the luncheon was served on the grass. The guests were Mr. and Mrs. T. C. Landrean, Mr. and Mrs. Jack Rooney, Mr. and Mrs. Frank Garcia, Mr. and Mrs. Mildred Johnston, Mr. and Mrs. C. D. Maloney, Mr. and Mrs. Fred Hooper, Mr. and Mrs. Charles Dunne, Mr. and Mrs. Dan McLaughlin, Mr. and Mrs. C. B. Mills, Mrs. E. Crannell, Mrs. N. Bartlett, Mrs. E. E. Spear, Miss Ethel F. Jones, Miss Francis McGowan, Miss Ruth Perry, Miss Margaret Anderson, Miss Margaret McLaughlin, Miss Lucille Landrean, Miss Nellie McLaughlin, Miss Ruth Hooper, Hollie Garcia, Earl Landrean, Burnham Spear.

Miss Louise Busher has returned from a two weeks' trip through Southern California, visiting Pasadena, Redlands and other places. Her sister, Miss Harriet Busher, who accompanied her down, will not return until later in the week.

Miss Lillian Gregory returned Monday evening from a three days' visit with relatives in Santa Cruz.

Mrs. Lillian Scholer Mattes has been entertaining her mother, Mrs. T. H. Scholer. Mrs. Mattes has a contralto voice that is making a place for its possessor among leading vocalists of the coast. She has for several years a pupil of Mrs. Olive Reed Cushman and is well known among the younger musical set of this city.

Mrs. F. J. R. Dawson of 2940 Grove street will entertain this afternoon at five hundred. A luncheon and informal afternoon will conclude the day. Mr. and Mrs. Dawson are contemplating a trip to the former's old home in England this fall.

ACCUSED OF HUNTING
WITHOUT A LICENSE

BERKELEY, July 7.—Filippo Baradello, a laborer living on San Pablo avenue, in Ocean View, was arrested this morning by Deputy Fish and Game Commissioner McMillan for hunting without a license. He deposited \$25 bail for his appearance in the police court tomorrow morning.

Reduce Fat
a Pound a Day

Rengo Has Solved the Problem of Safe Fat Reduction Without Starvation Diet or Tiresome Exercises.

A quick, harmless reducer of fat, called Rengo, has come into popular use which requires no dieting or treatment heretofore used.

For sale by all drug stores at \$1.00 per full-sized box, or by mail prepaid, by The Rengo Co., 3250 Rengo building, Detroit, Mich. The company will gladly send you a trial package free by mail, if you will write them direct to Detroit; no free packages at drug stores.

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SENTIMENT SAVES
GIANT OAK TREECity Fathers Refuse to Order
Its Destruction After Prop-
erty Owners Protest

ALAMEDA, July 7.—Sentiment saved the life of a great oak which has graced a portion of High street, near Central avenue, for years and years and years. It has been an Alameda landmark since time immemorial.

The East End Improvement Club recently requested the city council to have the tree removed. Property owners in the vicinity of the massive tree offered protests against such action. Last night the city fathers voted with the matter. Councilman E. J. Probst championed the cause of the tree. Councilman E. L. Krumbh sought its life. The former stated that such trees do not grow in a few days or a few years, but take centuries. The latter declared that the tree is a menace to traffic. The councilmen were puzzled by ordering that it be removed. The tree is a landmark and drivers of vehicles will remain and will be allowed to go on growing and growing for years and years and years.

GIRL WINS PRIZE
FOR BEST POEMShort Story Writers Honor Ida
Ballou, Author of "In
the Gloaming"

BERKELEY, July 7.—Miss Ida L. Ballou, the San Francisco poetess, was adjudged author of the best poem of the year by the convention of short story writers in California hall yesterday afternoon. Her poem is entitled "In the Gloaming," and the prize was a loving cup.

George Greathart of San Francisco was awarded a set of the writings of Joan Miller as the author of the best short story of the year, "Unceasing," a love tale.

President Wheeler of the State University, in his address of welcome, declared that composition was superior to stereotyping study of language and that the short story was calculated to bring out the best in young writers and students of language.

Herbert Bashford of San Jose paid tribute to Frank Norris, Herman Whitaker, Jack London, Miss Ina L. Coolbrith, Wallace Irwin, Will Irwin, Charles Keeler, Eleanor Gates, R. W. Tully, James Hopfer, Fred Bechtold and many others.

Professor H. M. Bland of San Jose was in charge of the program.

In Alameda Society

Edwin Davis will spend the next two weeks at Yellowstone Park, having gone there last week.

Mr. and Mrs. Carl Becheider are spending the summer months in Ross Valley, where they have a pretty cottage.

Mrs. Charles S. Dixon has had Mrs. L. H. Wheatley of Mill Valley as her house guest at her home on Lafayette street during the past week.

A party of the younger set enjoyed a hay ride last Wednesday night. They went to Lake Chabot, where supper was served. They were accompanied by Mr. and Mrs. W. Jenkins and the party included Miss Alma Wilhelm, Miss Jennie Magers, Miss Gladys Thorpe, Miss Mae Osborne, Miss Emeline Magers, Miss Laura Hayes, Miss Margaret Grove, Miss Edith Killam, Miss Jennie Hoster, Miss Ethel Carlson, Conrad, John Bridgford, Will Moore, Charles Craden, Edwin Meyers, Max Bridgford, Addison Baker, Will Anderson, Harold Larkin and Arthur Kern.

The Enclinal Yacht Club's July dance is anticipated as a pleasure-promising event in the social circle of mid-summer. The affair is planned for the evening of Friday, July 9, and will, of course, be held at the boat house. The month's dances, for which the club stands invariably well attended, and more, if possible, now that the summer dearth of festivities is upon us, is the club's contribution to the gaiety of things appreciated.

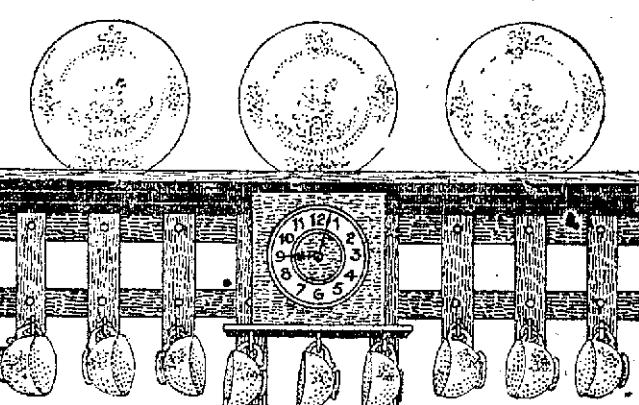
A party of Oakland and Alameda girls will leave on Saturday for an outing on the Russian River. They expect to rent a cottage at Preston, near Cloverdale, and will be there about a month. July year.

JACKSON'S

12th & Washington & Clay - OAKLAND

Furniture-Exhibition-Sale

Twice a year, July and January, we clear our floors. Sample pieces of discontinued lines are reduced 20, 25, 33 1-3 and 50 per cent; most of them perfect in every way; some slightly marred, but not enough to impair their value. Come this week.



Mission Plate Rack Free

this week with purchases amounting to \$30.00 or over, no matter whether you pay cash or buy on time. Exactly as pictured. Solid oak, early English finish, 39 inches long; or it will be sold outright this week for \$2.75

1/4
off

Refrigerators

The sanitary kind. White enameled and porcelain lined; family sizes and large store Refrigerators. This offer to prevent carrying them over another season. The usual easy terms prevail.

Folding Bed
Solid Oak
\$36.65

Exactly as illustrated; made of solid oak, golden finish; top nicely ornamented; plain front has 18-36-inch bevel French plate mirror, and is equipped with heavy spring. This sample Bed sold regular for \$55.00; one-third off brings \$36.65.

J. F. HINK & SON, Inc., Berkeley, Cal.

About This Sale

Owing to limited space we cannot describe the articles on sale as fully as we would like. On an occasion of this kind, however, we know you will overlook the descriptions and more carefully note the extra low prices.

We always advertise exactly what we have—exactly as it is.

OUR FIFTH
SEMI-ANNUALCLEARANCE SALE
COMMENCES
Thursday, July 8th

In accordance with our usual custom, all summer goods must be closed out before the end of July. No catch penny, cheap goods, temporarily attracting to permanently disappoint—such goods are not wanted by our trade and we do not carry them.

THEREFOR THIS IS A SALE OF BETTER THINGS

Straight forward offerings of well-made, reliable goods in many instances marked lower than the price we paid. A great opportunity for economy is knocking at your door.

Seven Hundred Shirt Waists One-Half Off

THE LINES ON SALE INCLUDE MARQUISE, KNICKERBOCKER AND CHRISTY MAKES.

Lingerie Waists

Waists on sale include many of this season's latest styles. Not one old style garment in the whole line.

Lace or embroidery trimmed in white and colors tend to make up a selection at a price extraordinary to the extreme. Come early.

PRICES \$1.25 TO \$16.50
AT HALF PRICE.

Tailored Waists

Will be just as stylish or even more so this fall than ever before. The line includes linen, madras or lawn waists, all well made. Some are slightly soiled, but otherwise perfect in every detail.

We want you to take advantage of this opportunity.

PRICES \$1.25 TO \$6.50
AT HALF PRICE.

Silk Waists

Made of up-to-date materials and serviceable, too. Come in all colors—brown, navy, gray, green, black and white.

Taffeta Messalines and Jap Silk Waists are among the lot.

This includes, you might say, our entire stock of Silk Waists.

PRICES \$2.25 TO \$7.50
AT HALF PRICE.

Net Waists

So popular for evening wear and stylish, too. Come in white or ecru and beautifully made.

You have a selection of our entire stock. Fall lines will not be in for nearly ten weeks and the styles will vary very little.

PRICES \$5.00 TO \$15.00
AT HALF PRICE.

Muslinwear

A BIG ASSORTMENT.

Space will not permit of a detailed description, but we can give you an idea how this goods is marked.

For instance:
50c values, 37c 75c values, 56c
\$1.00 values, 75c \$1.25 values, 94c
\$1.50 values \$1.12 \$2 values \$1.49

And so on.
In this line you will find many numbers of the "Home Made" goods.

Silk Skirts

WELL-MADE GARMENTS.

LOT NO. 1

\$10.50 SKIRTS, \$5.95.

Beautifully tailored in all staple colors. The lot is limited. The garments are cut exceptionally full.

LOT NO. 2

\$5.50 SKIRTS, \$3.05.

Fifty all told, in all staple colors. The last lot for this season.

Wash Skirts

ALL WASHABLE STYLES

\$2.50 VALUE, \$1.25 EA.

Made of Heatherbloom and Feather Silk in many colors. A very serviceable skirt. An extra value.

\$1.25 VALUE, 95c.

A large range at this price; noticeably among them a striped percale in black and white. Many other similar values which we cannot quote on account of lack of space.

Ribbons

BEAUTIFUL DESIGNS

EXCELLENT QUALITIES

25c TAFFETA, 15c YD.

Just the width for Hair Ribbon, in black only.

FANCY RIBBONS

Dressmakers checks and plaids.

25c and 35c quality, 19c

50c and 65c quality, 33c

Jewelry One-Fourth Off

CHILD'S DRESSES

So Good and So Cheap.

ONE-QUARTER OFF.

At regular prices these garments were far lower for the same quality than you could buy elsewhere. From 2 to 14 years.

\$1.00 dresses marked 75c.

\$1.50 dresses marked \$1.15.

\$2.25 dresses marked \$1.69.

All pieces marked in proportion. Made of plain and fancy good quality gingham.

Owing to Lack of Space Many Articles are Marked at Special Prices
Not Mentioned HereHOUSEHOLD
ITEMS

No room for detailed description, but we guarantee all extraordinary values.

\$1.00 Quality Table Linen, Special 75c.

Bleached or unbleached.

\$3.00 Bleached Napkins, Special \$2.45.

Just a nice dinner size.

1-3 Off, Assortment Dollies, 1-3 Off.

15c Value Linen Crash, Special 9c Yd.

Just 200 Yds.—Come early.

15c Value Cotton Huck, Special 8c Yd.

A good heavy weight.

12 1/2c Huck Towel, Special 8c Yd.

A medium size for daily use.

Extra Union Linen Towels, 17c Each.

Very serviceable and absorbent.

75c All-Linen Towels, 49c Each.

A good Towel for state occasions.

\$7.25 Wool Gray Blankets, Special \$4.95 Ea.

Weight 6 pounds, medium gray.

\$8.00 Quality Comfort, Special \$1.25.

Bordered with French cambric; only dark patterns left, but look at the price.

\$2.00 Silkoline Comfort, Special \$1.45.

Right from stock. Beautiful patterns.

\$1.50 Bates Spreads, Special \$1.15 Ea.

Many other specials in Spreads equally as good. Fringed or plain.

Fancy Dress Materials

An elegant array of sheer materials for evening and afternoon wear. In all the dainty colors just suitable for their use.

Reg. 35c, 40c, 50c Values

Special 15c Per Yd.

The above constitute Fancy Mulls, Novelty Batistes, Imported Voiles and Dress Etamines. This line is certainly worthy of your attention.

Fancy White Goods, Special 15c Yd.

This lot includes Madras cloth, lace stripe effects, etc. Regular price from 25c to 50c yd.

Fancy Poplins, Special 16c Yd.

In a good variety of neat patterns, mostly stripes. This material is of excellent weight, making up in shirtwaist or even coat suits.

Fancy Dress Satens.

25c qualities, 14c yd.

25c qualities, 17c yd.

Our entire stock on sale.

Imported Poplin, Special 15c Yd.

In all the plain staple colors, including brown, navy, tan, black or white. This cloth sold everywhere for 25c per yd.

Cottons Will Cost More
WHY NOT BUY NOW?

45x36 Pillow Cases, perquut, special, 17c ea.

81x30 good quality Sheets, Special, 33c ea.

56-Inch Lonsdale Muslin, Special, 9c yd.

\$1.50 full-size Cotton Blankets, Special, \$1.15 ea.

\$2.00 values full Cotton Blankets, Special, \$1.35 ea.

Staple Cotton

DRESS MATERIALS.

12 1/2c Dress Gingham, 8c Special.

Fifty patterns, all told, in the famous A. F. C. and Tulle du Nordes makes.

25c and 35c Imported Zephyr, 15c Special.

A cloth with a mercerized finish and washes perfectly. In beautiful plaid or check patterns.

15c Motor Cloth, 8c Special.

About 15 patterns to select from. This fabric washes perfectly and has been a popular seller at regular price.

45-INCH

Heavy Dress Linen

75c Quality, 45c Yd.

This linen is extra heavy and comes in three shades of cadet blue. An exceptionally good value.

Dress Goods and Silks
LOWEST PRICES ON STANDARD GOODS

Fancy Dress Silks, 49c Per Yd.

Regular 75c, 85c to \$1.25 values. Including cheney, foulards, fancy messalines, etc.

Two Extra Values in Black Silks.

\$1.75 messaline or taffeta, 36 inches wide, \$1.25 yd.

\$1.10 quality taffeta, 36 ins. wide, \$1.25 yd.

Ask to see our 75c messaline. A good cloth worth more, in all colors.

Laces and Embroideries

Not our entire stock on sale, but a good representation. Many good serviceable patterns.

VAL. AND VENISE LACES ONE HALF OFF.

EMBROIDERIES ONE THIRD OFF

CLUNY LACES AND DRESS TRIMMINGS, ONE HALF OFF

Neckwear Department

LOT NO. 1.

25c, 35c Jabots, Stocks, Collars, etc., 19c

LOT NO. 2.

50c to 60c Jabots, etc., etc., 29c ea.

LOT NO. 3.

55c to 85c Collars, etc., etc., 39c ea.

ODDS AND ENDS VEILING.

Values up to 60c. Special, 19c yd.

Lace
Curtains

About ten different styles in white or ecru. Bobbinet, cable or Nottingham.

ONE-THIRD OFF.

Rugs—Rugs

Entire line reduced. For instance, our 27x54 Bigelow Axminster—\$2.15 ea.

J. F. Hink & Son

Shattuck Ave. and Kittridge Street, Berkeley

Casement
Cloth

15c Quality, 9c Yd. Inexpensive, still very effective for curtains.

Net
Curtaining

White or ecru, full double width, 55c to 65c values; 29c yd. Blacknet—Boughton—curtaining.

AGED MAN DIES WATER TOO LOW FROM EFFECT OF BLOW ON ESTUARY DOCKS

Fight on Houseboat Terminates Fatally, and Police Are Investigating

DAUGHTER'S FIANCE IS PLACED IN JAIL

Trouble Alleged to Have Started Because Father Slapped Girl

The body of an elderly man was found floating in the estuary today, and police are investigating the cause of death. The man, who was about 70 years old, was found by a fisherman who was out with a net. The body was found near the mouth of the estuary, and it was believed that the man had fallen overboard from a houseboat. The police are investigating the case, and it is believed that the man's death was the result of a fight on the houseboat. The man's daughter's fiancé is in jail, and it is believed that the fight was the result of a dispute between the man and his daughter's fiancé.

INCENDIARY MAKES SECOND ATTEMPT

Fire in Bundle of Kindling Discovered Behind Door of 8 Telegraph Avenue

A fire in a bundle of kindling was discovered behind a door in a house on Telegraph Avenue today. The fire was discovered by a neighbor who noticed smoke coming from the house. The fire was quickly extinguished, and the cause of the fire is being investigated by the police. It is believed that the fire was the result of an incendiary's attempt to start a fire in the house.

BAILEY AMENDMENT LOSES

The Bailey Amendment, which would have allowed the Senate to pass a bill without a conference committee, has been defeated in the Senate today. The amendment was defeated by a vote of 54 to 46.

Talks on Teeth

Listen-Reflect-Investigate

When Fildes built his stambout room, he was not only a dentist, but a philosopher. He was a man who listened, reflected, and investigated. He was a man who was not afraid to ask questions, and he was a man who was not afraid to answer them. He was a man who was a true professional, and he was a man who was a true gentleman.

REX DENTAL COMPANY

DENTISTS

226 Pacific Bldg. 4th and Market Sts.
Hours 8:00 to 6:00 P.M. 10:00 to 12:00 P.M.

BRANCH OFFICES

Oakland—Faxon Bldg.
Los Angeles—Examiner Bldg.
Sacramento—1097 8th St.

Marie Doro Will Bid Farewell To Oakland Playgoers Tonight



MARIE DORO in "The Morals of Marcus" at the Macdonough Theater Tonight

For the last time during her present engagement in this city, Marie Doro will follow her big lead over the stage tonight in "The Morals of Marcus." For the last time she will trip through three entrancing acts which give her an opportunity to display a wide range of emotions. The play is a masterpiece of the stage, and it is a play that will be remembered for many years to come.

BLOWS KISS TO MOTHER, ELOPES

Miss Clotilde Belzarini and F. M. Fairfax Speed to San Rafael and Wed

POSS July 7.—Where are you going, asked Miss Belzarini yesterday as she saw her 20-year-old daughter, Clotilde, stepping into an automobile with F. M. Fairfax, a young man who was a friend of her mother's. The young couple were seen leaving the house, and it was believed that they were eloping.

LAD RUN DOWN IS INSTANTLY KILLED

Little Edward Nann's Life Crushed Out by a Heavy Wagon

SAN FRANCISCO July 7.—While playing on the street a few feet from his home at 11 o'clock this morning, Edward Nann, a five-year-old boy, was instantly killed by a heavy wagon driven by Edward Shannon. The boy was run over by the wagon, and he died instantly.

ROOSEVELT KILLS 4 RHINOCEROSSES

Lion and Lioness Complete President's Big Game Bag in Sotik

NAIROBI British East Africa July 7.—The Roosevelt expedition is enjoying good hunting and all the members of the party are well. This information was brought into Nairobi today by couriers from the south district. Mr. Roosevelt has killed a splendidly marked lion and lioness and four rhinoceroses. The lion and lioness were killed by the Roosevelt expedition, and the four rhinoceroses were killed by the Roosevelt expedition.

BERKELEY COUPLE MARRY SECRETLY

Friends of Miss Virginia Perry and Ralph Brock Surprised by News

As has been reported, the marriage of Miss Virginia Perry and Ralph Brock took place in San Rafael yesterday. The couple were married secretly, and their friends were surprised by the news. The couple were married by a minister, and the ceremony was a simple one.

WIELAND RELEASED FROM EMBEZZLEMENT CHARGE

SAN JOSE July 7.—Justice Wallace today released George W. Wieland from a charge of embezzlement. Wieland had been charged with embezzling money from a company, but the charges have now been dropped.

SACRIFICES BLOOD TO SAVE HIS CHILD, BUT SHE SUCCUMBS

NEW YORK July 7.—The heroic sacrifice of a mother to save her child from a fire has ended in tragedy. The mother, who was named Mary, died of her injuries, and her child also died.

COUPLE ARE MARRIED IN BATHING SUITS

Supreme Court Decision Will Affect Federal Litigation, Declares Mayor

In the midst of the Sacramento river yesterday afternoon, a man and a woman were married in their bathing suits. The couple were married by a minister, and the ceremony was a simple one. The couple were married in the middle of the river, and the ceremony was a unique one.

That Heeseman Sale

MADE A HOLE IN OUR CLOTHING THE FIRST DAY. IT WILL ONLY TAKE ABOUT TEN DAYS OF THAT KIND OF SELLING TO CLEAN US UP.

Suit Prices

\$7.85 \$12.85 \$15.85 \$18.85

Formerly \$12.50 to \$17.50 \$15.00 to \$17.50 \$20.00 to \$22.50 \$25.00 to \$30.00

10% Discount

on all regular clothing

SPECIAL REDUCTIONS IN EVERY DEPARTMENT. SEE OUR WINDOW

C. J. Heeseman

WASHINGTON STREET.

FOOTPADS ROB BOY ON ERRAND

Man Also Stopped by Thugs and Stripped of Belongings

SAN FRANCISCO July 7.—Albert Rodgers, a 12-year-old boy, was robbed of his money and his watch by two footpads today. The boy was on his way to school, and he was stopped by the footpads. The footpads took the boy's money and his watch, and they left him with nothing.

NEWLANDS WANTS RATIONAL TARIFF

Says No Material Changes Can Now Be Made in Bill, But Pleads for Toning

WASHINGTON July 7.—Speaking on the evolution of the tariff bill today, Senator Newlands said in part: "No material changes can now be made in the bill, and the only question before us is whether we may not by some general provisions, limit the effect of a tariff which may be gradually reduced and the tariff taken out of politics. The tariff is a subject which has been in controversy for many years, and it is a subject which will continue to be in controversy for many years to come."

ECZEMA VICTIM GAVE UP HOPE

After Suffering a Year with Raw, Watery Humor on Hands and Face—Prescriptions Did Not Do a Bit of Good—Scratched Till Blood Came and Had to Quit Work.

COMPLETELY CURED BY CUTICURA REMEDIES

"I suffered with eczema for one year and had two of the best doctors in town but their medicine did not help me. First of all, my hands and face were covered with small white pimples on my face and I had to scratch until the blood came. Then they would put up a bandage and water would run out. Wherever the water would run there would be more pimples. I was unable to sleep at night and I was unable to work. I gave up hope until I found out about Cuticura Remedies. I used two cakes of Cuticura Soap and two boxes of Cuticura Ointment and three bottles of Cuticura Resolvent and three bottles of Cuticura Lotion. I gave up hope until I found out about Cuticura Remedies. I used two cakes of Cuticura Soap and two boxes of Cuticura Ointment and three bottles of Cuticura Resolvent and three bottles of Cuticura Lotion. I gave up hope until I found out about Cuticura Remedies. I used two cakes of Cuticura Soap and two boxes of Cuticura Ointment and three bottles of Cuticura Resolvent and three bottles of Cuticura Lotion."

MOTT SAYS OLD REBATES ARE DUE

Supreme Court Decision Will Affect Federal Litigation, Declares Mayor

Mayor Mott, who was a member of the city council which fixed the water rates, today declared that the city was entitled to a rebate on the water rates. He said that the city was entitled to a rebate on the water rates because the city had paid more for the water than it should have paid. He said that the city was entitled to a rebate on the water rates because the city had paid more for the water than it should have paid.

FINED TEN DOLLARS FOR CONTEMPT OF COURT

Judge William S. Wells sitting in the Juvenile Court this morning fined Andrew Winters, residing at Midway, \$10 for contempt of court for failing to answer a judicial summons to the alternative of spending as many days in the county jail in default of payment. Winters immediately 'dug up' and went away, saying that he would return to the court to answer the summons.

IS GRANTED DIVORCE

Decree of 1909 Scotch divorce granted by Superior Judge Brown from Isabelle Sellers on the ground of willful desertion. The couple were married at Champaign, Ill. in September 1909. Mrs. Sellers filed an answer to the divorce suit in January 1939, but she failed to appear in court for the trial. The court granted the divorce on the ground of willful desertion.

CLARK'S CRUISES OF THE "CLEVELAND"

Round the World

Round the World

Round the World

Round the World

Round the World

Round the World

Round the World

Round the World

Round the World

Round the World

Round the World

Round the World

Round the World

Round the World

Round the World

Round the World

GAS CO. MUST PAY FOR EXPLOSION

Supreme Court Refuses to Accept Orchard's Story of Dynamite Bomb

SAN FRANCISCO, July 7.—Final judgment for \$10,700 damages against the San Francisco Gas Company for the breaching of the flat in which Fred Bradley, a welder and which Harry Orchard, self-confessed assassin of Governor Steiuenburg of Idaho, declared was blown up by a dynamite bomb placed by him as a trap for Bradley, was awarded yesterday to W. H. Lufort, owner of the building, by the Superior court. The gas company, of which Fred Orchard's confession, as evidence on which he was convicted, was a part, had brought to the Supreme Court refused to go beyond the records of the trial court, which showed damages on the theory of a gas explosion.

S.S.S. NATURE'S TONIC

The very great majority of persons need a tonic in the Spring or early Summer. The system undergoes a change at this season and the entire physical machinery is disturbed. The general bodily weakness, a tired feeling, flagging, hickie appetite, poor digestion, a half sick feeling and general run-down condition of the system, show that the blood is weak or anemic, and a blood purifying tonic is needed to build up the deranged system and enrich the blood. The tonic S.S.S. at this time may save you from a long spell of sickness, and it will help you prepare you for the long, hot Summer. Many people have put off using a tonic until the system became so weakened and depleted it could not successfully throw off some of the summer ailments, and have paid for the neglect with a spell of fever, malaria or some other debilitating sickness. S.S.S. is Nature's ideal tonic. It is a composition of the extracts and juices of roots, herbs and barks which are known to be tonic and blood purifying. It has been proved by the human system. It contains the minerals of any kind and is therefore perfectly safe for persons of any age. S.S.S. cleanses the stomach and digestion, aids in every part of the body. It purifies and enriches the blood, stimulates the secreting and excreting members to better action, quiets the overstrained nerves, and makes one feel better in every way.

THE SWIFT SPECIFIC CO., ATLANTA, GA.

LOW BATTERY

LOW RATES

LOW RATES EAST

Round-trip tickets on sale on various dates throughout the summer via the Chicago, Union Pacific and North Western Line to the following points:

\$108 ⁵⁰	TO NEW YORK, N. Y. AND RETURN	\$107 ⁵⁰	TO WASHINGTON, D. C. AND RETURN
\$110 ⁵⁰	TO BOSTON, MASS. AND RETURN	\$108 ⁵⁰	TO MONTREAL, P. Q. AND RETURN
\$108 ⁵⁰	TO PHILADELPHIA, PA. AND RETURN	\$95 ⁷⁰	TO TORONTO, ONT. AND RETURN
\$107 ⁵⁰	TO BALTIMORE, MD. AND RETURN	\$72 ⁵⁰	TO CHICAGO AND RETURN
\$73⁵⁰ TO ST. PAUL AND MINNEAPOLIS			

Liberal return limits and favorable stop-over privileges. These low rate tickets are available for passage on the luxuriously equipped electric lighted Overland Limited, leaving San Francisco daily at 12:00 noon, or on trains leaving at 6:40 p. m. and 9:00 p. m.

**PLAN
YOUR**

TRIP NOW
OL886

For full particulars on request.

R. R. BITCHIE
Gen. Agt. Pac. Coast. C. & N. W. Ry.
878 Market St., Flood Bldg.
San Francisco

H. V. BLASDEL
Agt. Passenger Department
1018 Broadway
Oakland

UNION PACIFIC
OVERLAND

JUN
 JUN
 AUG
 AUG
 AUG
 AUG
 AUG

SEMI-ANNUAL STATEMENT OF

The Oakland Bank of Savings

JUNE 30, 1909

ASSETS

Cash	\$2,416,909.73	
Bonds	5,325,652.55	
		\$ 7,742,562.28
Warrants (City and County)		47,740.69

loans	10,379,561.04
Bank Building and Lot	889,937.70
	\$10,050,000.00

deposits	\$17,471,531.00
LIABILITIES	
	\$19,009,801.71

Capital (Paid In)	1,000,000.00
Reserve	588,230.71
	\$1,588,230.71

\$19,099,801.71

W. W. Garthwaite, President.

B. Dunning, Vice-President. Henry Rogers, Vice-President.

J. Y. Eccleston, Cashier and Secretary.

Samuel Breck, Asst. Cashier. F. A. Allardt, Asst. Cashier.

Hollo J. Hough, Asst. Cashier. J. A. Thomson, Asst. Cashier.

—

BOARD OF DIRECTORS

L. Requa J. K. Moffitt Horace Davis W. B. Dunning

A. Borland Henry Rogers Geo. H. Collins A. H. Breed

W. W. Garthwaite J. P. Edloff J. Y. Eccleston

Savings and Commercial Banking Business Transacted

TO THE HONORABLE THE SUPERIOR COURT OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA:
 GEORGE GRAY, Public Administrator of Alameda County, California, respectfully makes this return of all estates of decedents which have come into the hands. This return is for the time commencing January 1, 1908, and ending July 1, 1909, and the same is made in accordance with the provisions of Section 1736, Code of Civil Procedure of California.

Number of Estate.	Name of Decedent.	Approximate Value of Estate as far as Ascertained.	Monies Which Have Come Into the Hands of the Public Administrator.	Debt, Family Allowance, Public Administrator's Fees.	Balance of Money on Hand.	Administrators' Fees.	Remarks.
11168	James Fox.	\$ 358.00	\$ 358.51	\$ 227.91	\$ 120.69	\$ 24.09	Final acct. settled; dist. pend.
11170	William R. Jordan.	362.85	362.85	256.33	106.52	25.40	Pending.
11202	John J. Fleming.	15,809.91	12,312.56	3,297.34	8,022.22	644.30	Final acct. settled; dist. pend.
12288	Gustave Klumpach.	246.30	246.30	193.80	52.50	7.25	Final acct. settled; dist. pend.
12261	Robert John Walker.	441.45	441.45	339.95	101.50	30.90	Final acct. settled; dist. pend.
12304	Anna Bouton.	2,281.48	2,421.48	1,378.51	None	128.45	Distributed.
12304	Calherine N. Sheet.	783.04	None	None	815.00	68.41	Final acct. settled; dist. pend.
12322	Sallie B. Scott.	Unknown	None	None	None	None	Pending.
8133	Richard Kingsbot.	1,460.63	1,460.63	1,005.10	455.53	65.43	Final acct. settled; dist. pend.
8202	Augustine Gregson.	78.00	78.00	78.00	None	None	Pending.
7859	Susan Lindsay.	78.00	78.00	78.00	None	None	Pending.
7844	H. B. Hayes.	368.32	368.32	9.35	358.97	None	Pending.
7877	William A. Jenkins.	374.00	123.86	3.33	126.53	None	Pending.
7889	Bugars Swanton.	354.33	354.33	24.29	345.51	None	Pending.
7081	Thomas Freesbury.	1,823.45	1,823.45	24.29	1,799.16	None	Pending.
6198	William Gladstone Hansen.	Unknown	None	None	None	None	Pending.
6333	L. Gillard.	13.35	13.75	None	None	None	Pending.
6238	Mary O. Davis.	30.87	30.87	None	None	None	Pending.
6193	Rebecca Jenkins.	21.63	21.63	None	None	None	Pending.
6173	C. W. Dearborn.	25.60	21.63	6.41	209.24	None	Pending.
11858	Daniel Chisholm.	4,000.00	628.00	628.00	None	190.00	Pending.
11855	A. W. Goff.	42.55	42.55	42.55	None	None	Settled; Adm. charged.
11856	Annie Glendon.	879.36	879.36	879.36	None	3.00	Settled; Adm. charged.
11368	A. L. Poundstone.	300.00	300.00	232.40	67.60	21.00	Final acct. settled; dist. pend.
11369	Juanan Neath.	2,676.00	2,676.00	1,922.40	753.60	141.34	Final acct. settled; dist. pend.
11375	Andrew Gordon.	485.96	485.96	236.51	249.45	30.40	Final acct. settled; dist. pend.
11411	Nicholas Chemas.	485.96	485.96	236.51	249.45	30.40	Final acct. settled; dist. pend.
11425	Thomas Lawson.	485.96	485.96	236.51	249.45	30.40	Final acct. settled; dist. pend.
11426	Thomas Lawson.	485.96	485.96	236.51	249.45	30.40	Final acct. settled; dist. pend.
11446	A. C. Newman.	500.00	None	25.70	None	None	Final acct. settled; dist. pend.
11635	George Stuneros.	8,896.82	3,586.52	1,392.53	2,493.39	158.06	Final acct. settled; dist. pend.
11644	Robert Montgomery.	12,485.68	12,495.88	336.35	209.20	31.25	Final acct. settled; dist. pend.
11558	Robert J. Geck.	10,090.36	10,090.36	10,090.36	None	438.70	Final acct. settled; dist. pend.
11563	Nick Podeworny.	Unknown	None	7.00	None	None	Final acct. settled; dist. pend.
11750	Mary C. Johnson.	600.00	None	18.50	None	None	Final acct. settled; dist. pend.
11763	Ellis B. Whaley.	1,514.82	1,514.82	1,415.44	269.38	90.60	Final acct. settled; dist. pend.
11762	Janet Leuch.	300.00	None	10.65	None	None	Final acct. settled; dist. pend.
11761	James Rigney, also known as James Rigney.	775.05	775.05	775.05	None	340.60	Final acct. settled; dist. pend.
11773	James Rigney, also known as James Rigney.	775.05	775.05	775.05	None	340.60	Final acct. settled; dist. pend.
11781	Emilia M. Gabriel.	Unknown	None	None	None	None	Final acct. settled; dist. pend.
11816	Fred C. Du Val.	Unknown	None	None	None	None	Final acct. settled; dist. pend.
11817	Ryota Sadamori.	Unknown	None	None	None	None	Final acct. settled; dist. pend.
11839	Julian Rouns.	Unknown	None	None	None	None	Final acct. settled; dist. pend.
11853	Ida M. Anderson.	1,085.00	887.25	712.49	212.76	104.70	Final acct. settled; dist. pend.
6679	George Lopez.	4,740.00	2,659.19	2,165.60	368.53	136.57	Final acct. settled; dist. pend.
7236	Minnie Ryan, also known as Mary Ryan.	Unknown	None	None	None	None	Final acct. settled; dist. pend.
7076	Mary Brown.	38.14	565.50	37.37	568.13	None	Final acct. settled; dist. pend.
7166	Michael Farrell.	176.75	176.75	4.80	172.18	None	Final acct. settled; dist. pend

OF CALIFORNIA, COUNTY OF ALAMEDA--ss:

GEORGE GLAY, being first duly sworn, according to law, deposes and says, that he is the Public Administrator of the said Alameda County; that the same is a full, true and correct return and account of all estates of decedents which have come into his hands for the time hereinbefore named and of all accounts remaining in his hands in which the administration is uncompleted; that he is not and was not at any time interested in the expenditures of any kind made out of any estate he administered; nor is he associated in business, or otherwise, with any one who is so interested.

scribed and sworn to before me this 1st day of July, 1939.

M. F. STEVENSON,

Attest: **JOSEPH B. DELANCEY** and **GEORGE W. REED**,
 Attorneys for Public Administrator, Union Savings Bank Building, Oakland, Cal.

CLAY STREET—14th to 15th

KETCHEL-JOHNSON MATCH WILL BE STAGED SHORTLY BY JIM COFFROTH

JOE CORBETT QUILTS THE PITCHING STAFF OF THE SEALS

KETCHEL WILLING TO BET HE'LL BEAT COLORED MAN

Pape-Ketchel Bout Still Topic of Discussion Among Sports—Moving Pictures of Fight Bring Out Argument.

By EDDIE SMITH.

"I HAVE never run out on a match in my life and I shall not back down on this one—why, I would put Ketchel and Johnson on in the championship battle October 12th if Papke had knocked him out in three rounds." So spoke Jimmy Coffroth last night when asked if he intended to go right along with the Ketchel-Johnson match. And Willie Britt, who was sitting near by, chirped: "Yes; and tell them that it will be bigger than ever and that we stand ready to bet \$5000 more that we win from the black man—and not stage money, either. We have already bet \$5000 of our own money and with the added \$5000 we would have \$10,000 bet. Ask him if that makes it look as if we had any doubt as to the outcome."

Both Britt and Coffroth, to say nothing of Ketchel, are positive that the contest will take place. Britt keeps smoked up over the proposition and goes along telling how Ketchel will beat the big negro, and lamenting the hard luck Ketchel had in breaking his hand; Willie waxes warm when the least suggestion is made that might tend to doubt the sincerity of himself and Ketchel in the Johnson matter and when asked if he realized that the showing Ketchel made with Papke was no particular boost for the white man in the coming match, he replied: "We won, didn't we?" That's enough; we won and if Ketchel's hands had held out we would have won in very few rounds." Ketchel then spoke up and said: "Yes, and we will fight him (meaning Johnson), if there is only \$5.00 in the house—we will fight him for the side bet, for I know I can beat that fellow."

Claims Good Condition

While Ketchel was on the subject of the fight, he was asked if he felt that he was in good condition for the Papke fight, and he insisted that he had trained hard and that he was in first-class condition with the exception of his hands. When told that more had been circulated about his midnight adventures in his automobile, he denied them most emphatically and he pointed to his hands swathed in bandages to the extent that he could hardly grip anything, and said that if they held out there would have been nothing to it. "I hurt my hands the day before the fight boxing with big Bob Armstrong," said Ketchel, "and if there was any mistake made in my training, that was the only one, and it will never happen again, for I shall never box again the last few days of my training."

Ketchel and Britt seem confident enough of their chances with Johnson, but what the public will say and think is a horse of another color. The match can hardly be broken off unless it is done through the Ketchel end, and at the present time he is not by any means in the hands of the Ketchel end. The same applies to Ketchel, and Coffroth has announced that he will not this of doing a run out. Coffroth would like to handle a match between Papke and Ketchel or Ketchel and Johnson prior to the Johnson contest, and it is a shame to believe that will be a good shape to pull in a much better showing.

Regarding Al Kaufman

Asked if there was any reason why Al Kaufman should not be given a chance at the championship, both Britt and Ketchel remarked that they had no desire to keep Kaufman out of the championship and that they had no objection to having Johnson meet him. Then it was pointed out to Britt and Ketchel that it might be possible that the fans would ask that a match be made between Ketchel and Kaufman for the winner to tackle Johnson. Ketchel spoke up first and said, "There are only two fighters in the business that I do not like, and both are Germans, one is Billy Papke and the other Al Kaufman, they are the only ones I do not like." Asked if he thought he could beat the big blacksmith, Ketchel smiled and said he believed he could do the trick in less than three rounds.

Willie Britt then spoke up and said that he had offered Billy Delaney the chance in New York to fight for \$10,000, but that the veteran refused the offer. "We have been fighting all the big fellows and we are going to fight Jack Johnson," said Britt. "We have no fear of Mr. Kaufman and feel that he would be easy picking for us, but we have no intention of leaving for the southern mountains about the middle of the year, as the battle is going to be fought again, and it may be that he will not again fight the Johnson fight."

Delaney's Prediction

Billy Delaney was reached this morning on the phone and told that Ketchel and his manager had offered him a match to fight Johnson. Delaney there and then refused the offer. Billy said that it was a joke and that he had never done any such thing, and to show that he didn't he would be pleased to have the Ketchel match offered him. Billy was sleepy and not inclined to talk much, for he simply said, "Things are coming just the way we want them to and we are very well satisfied to await developments." He predicted several things would happen some few months ago that have come true and he predicted that before the year is over Al Kaufman will be the heavyweight champion of the world.

Britt and Ketchel will leave in a few days for Mendocino county, where they will spend some weeks in the mountains. Ketchel says he feels that he needs the rest.

Papke Not Satisfied

Billy Papke stayed out at Seal Rock house yesterday, but last night came into the city and spent the evening at the Orpheum Theater. Billy was not to be found, but his brother and manager, Ed Papke, stated that Billy had accepted the match at Los Angeles with Jim Flynn that Ketchel was to have taken his hands held out, and that Billy and himself would leave for the southern mountains about the middle of the year. Papke says that as the battle is fought over by the fighter he becomes all the sorer over the result and claims in all kinds of different terms that he was simply robbed. Billy should not kick much, for he practically landed the referee, and did so with an idea that he had a shade the best of it at the start.

Papke says that in the contest and that he will be ready for Jim Flynn on the 17th, and will try to put him out in hope of boosting his stock for another match with Ketchel. "All we will need is a little work to loosen the muscles," said Papke. "We are already in good condition and a few days will be all that we need." The Papke brothers have made up their minds to keep right after Ketchel in hope of getting another match, and last night he held his hand to the end of the show remarked that in his opinion a big fight for Labor Day in Nevada.

Papke said after the contest that Hall could do business with him at any time and that all he would have to do would be to get Ketchel and he would have the match. Asked as to whether or not he would fight Sam Langford, he replied that there never was a chance for his brother to fight a negro, and that he would not fight Joe Gans for a \$100,000 purse.

Moving Pictures Shown

Last evening at the Miles Bros' the first exhibition of the Papke-Ketchel fight films were given and Ketchel for the first time in his life saw himself in action. Stanley was a very interested spectator and as the contest went on he became excited and nervous and pointed to the strong points in his work and the weak ones in Papke's. Ed Papke was also present and several times took issue with Ketchel as to the showing his brother was making. He pointed out many things why he felt his brother at least had an even break, and every time he landed a good punch he turned to Ketchel and said, "That didn't feel very good, did it, Ketchel?"

The repetition between Britt and Papke grew warm at times and it looked for awhile as if the managers would come to blows. The climax of the whole affair was when Britt intimated that Papke was not game. To this the brother took issue and the men argued for some time and the foundation for a very bitter rivalry was laid. Ketchel at the end of the show remarked that in his opinion a man was crazy who thought the fight should have been a draw. Ed Papke was just as positive the other way. The films are exceedingly clear and should make a very good print. The show last evening was run from the original film, but the prints will be shown in San Francisco in about ten days and in Oakland a week later. The Eagle Film Company of San Francisco is handling them, with offices in the Westbank building.

Oakland Wheelmen Show

The Oakland Wheelmen are making great preparations for their show on the 13th of this month at the Piedmont Pavilion and have announced the strongest card that they have yet offered the public. Young Ernie, who is to meet Kid Harrison in the main event, is in training with Young Corbett at Shannon's and expects to be fit and ready when he steps into the ring for his second match on the 13th.

Tommy McCarthy, who has sprung into prominence in the last month or so by winning two Coffroth preliminaries via the knock-out route, will meet Eddie Edwards, a popular Oakland boy, in one of the special events. Johnnie Lost Manhood, Dr. H. H. H. in the Urine and all other terrible waiting effects of the three bottles of Dr. H. H. H. Guaranteed to cure any curable case. Try it. Acts like magic. Call and see Dr. H. H. H. at 555 Broadway (upstairs), Oakland, Cal. Office hours, 9 a. m. to 9 p. m. Sundays, 9 a. m. to 5 p. m.



YOUNG ERNE, the Philadelphia lightweight, who will be given a chance to redeem himself with the pugilistic fans at the Oakland Wheelmen's show on the 13th of this month.

Monday's Fight Already Affects Betting on the Ketchel-Johnson Go

NEW YORK, July 7.—Sports men of the East are of the opinion that Stanley Ketchel and Billy Papke must emerge in another fight to conclusively demonstrate the superiority of one or the other. Accepting the story that Ketchel's hand was broken in one of the early rounds of the battle in California, many of his admirers here, who were anxious to bet 2 to 1 on him, admit that he did not make the showing which was expected. There is also a belief that Papke has improved wonderfully since his last previous fight with Ketchel and that if he is not the master of the cowboy pugilist, he is a most serious contender for the championship.

The result of Monday's battle has already had a perceptible effect on the betting of the Ketchel-Johnson fight. Ketchel's fine showing with "Philadelphia Jack" O'Brien and the fact that O'Brien had fought Johnson to a draw, induced his supporters in the East to offer even money on Ketchel. But around forty cents have changed with Johnson carrying the long end.

Nelson Is Training in The South for Wolgast

LOS ANGELES, July 7.—"Battling" Nelson, lightweight champion, arrived in Los Angeles yesterday morning from Salt Lake City and retired immediately to the Southside Athletic Park, where he will train for his fight with Al Wolgast at McDermott's pavilion on the night of July 12.

Nelson is the picture of health. He tipped the scales at 135½ pounds after his day's work.

CALIFORNIA LEAGUE

BASEBALL

Grounds, 57th and Grove Sts. SAN FRANCISCO VS. FRESNO. Every Afternoon except Monday at 3:15 p. m.

Saturday morning game at 10:30. Sunday afternoon, 2:30.

Ladies' day every Friday; children's day every Thursday. Grand Band Concert every Sunday Afternoon. Admission 25 cents. Children 10 cents.

DR. JORDAN'S GREAT MUSEUM OF ANATOMY

(GREATER THAN EVER)

Workshop for any anatomical dissection, including the most difficult. Established fifty years.

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Consultation free and strictly private. Treatment guaranteed or money refunded. A complete cure in every case.

DR. JORDAN'S GREAT MUSEUM OF ANATOMY, 555 BROADWAY, S.F., CAL.

WEAK MEN

DR. HALL'S REINFORCING TONIC stops all weakness in 24 hours. You will feel an improvement from the first dose. We have no much confidence in our treatment that we could safely offer FIVE HUNDRED reward for any case we cannot cure. This secret remedy enlarges Shrunken Organs, cures Emissions, Impotency, Protrusion, Gleet, Stricture, Kidneys, Lost Manhood, Drops in the Urine and all other terrible waiting effects of the three bottles of Dr. H. H. H. Guaranteed to cure any curable case. Try it. Acts like magic. Call and see Dr. H. H. H. at 555 Broadway (upstairs), Oakland, Cal. Office hours, 9 a. m. to 9 p. m. Sundays, 9 a. m. to 5 p. m.

Mustain Knocked Out By Willis in Vallejo

VALLEJO, July 7.—The fight between Joe Willis, the local heavyweight boxer, and Terry Mustain of Omaha ended in the eighth round, when Willis landed a short-arm jolt in Mustain's stomach. Mustain went to the floor and took the count. The night while it lasted was a good exhibition. They will be matched in a return engagement in the near future.

JOE CORBETT, UNABLE TO SECURE CONTROL, IS RELEASED AT HIS OWN REQUEST BY MANAGER LONG



JOE CORBETT, of Oriole fame, and one of the most popular ball players on the coast who, at his own request, was released by the San Francisco club yesterday.

Joe Corbett, than whom there is no nobler would make a great outfielder, or for that, a good second baseman. He is fast on his feet, is a good base runner and knows how to sling the ball as hard as the next one.

Joe Corbett is one of the few prominent ball players who jumped directly from the "bushes" into the limelight of the major leagues. He had played with St. Mary's College previous to 1895, and which year through the influence of his brother, James J. Corbett, former champion heavyweight pugilist of the world, he was sent for by the Washington Club and given several trials in the last few games of the season. Joe was but nineteen years old at the time, and despite his youth, made a creditable showing.

In the spring of 1896 Ned Hanlon took the youngster on the southern training trip with the Baltimore Orioles to try him out as a shortstop. He did not make a favorable impression in that position, but just before the opening of the 1896 season was given a chance to pitch in a practice game against one of the big Eastern college nines. Joe made good, shutting the collegians out with three hits. Hanlon decided to keep him then, but Corbett occupied a seat on the bench for many months until it was apparent that Baltimore had the nearest cinched. Then Hanlon gave him a chance in the

"ORPHIR" CELEBRATE HOME COMING WITH WIN

Cobb Bobs Up as Four Base Swatter Again; Forester Is Wild

STANDING OF STATE LEAGUE CLUBS.

Club	W	L	Win. Pct.
Stockton	61	29	.678
Oakland	60	37	.619
Santa Cruz	56	42	.571
San Jose	46	49	.484
San Francisco	31	69	.311
Fresno	28	61	.311

The Orphans returned home this week, after three disastrous series on the road, and celebrated the occasion by winning the home game. It was a light-hitting game, each side getting only four hits, but Forester, Tiger twirler, and himself in some bad noise by walking men, either by hitting them or giving them a walk. He is also charged with a balk that gave 3 runs on third the privilege of scoring. It was not altogether his fault, for errors were responsible for two of the runs. Harry Tracey coming through with two errors in quick succession and little Funk making a wild home to first that allowed Hackett to register from second. When Tracey made his two errors, Forester gave a fine exhibition of quick work, showing up in grand style. For that he was subjected to a roast from Manager McDonough.

The Athletics started the ball-rolling in the fourth. Bliss walked and scored on Hanlon's triple, and the third-sacker came home when Forester made a motion to get the ball and then threw it to third. In the seventh Fred was hit by a home run from Hanlon, who was fielded perfectly, but Tracey dropped the throw and both men were safe. Then O'Connell bunted right at Tracey, and the home team made a wild peg to third that gave Berlin a chance to score.

Fresno made one in the sixth on successive singles by Ponch and Keller, and a sacrifice fly to Murray by C. Ray. In the ninth, Cobb eluded the housewife to the fence for a homer.

The score:

FRESNO: AB 10, R 4, E 1. SAN FRANCISCO: AB 10, R 0, E 0.

Ponch 2-4, Keller 2-4, Murray 1-2, C. Ray 1-2, O'Connell 1-2, Hackett 1-2, Bliss 1-2, Hanlon 1-2, Tracey 1-2, Funk 1-2.

Runs: Fresno 4, San Francisco 0. Hits: Fresno 10, San Francisco 4. Errors: Fresno 1, San Francisco 0.

Total: 32 4 24 10. Total: 24 4 27 13.

Runs and Hits by Innings:

Inning	Fresno	San Francisco
1	0	0
2	0	0
3	0	0
4	4	0
5	0	0
6	1	0
7	0	0
8	0	0
9	0	0
10	0	0

Seals Make One Run

Their lone point in the fifth epoch was all they wanted—and a good reason why, for that was all they could digest. They attempted several times to procure a taste of the fourth station, but were strangled on every occasion. Their only run came in the fourth epoch, when a sacrifice fly to Murray by C. Ray, in the ninth, Cobb eluded the housewife to the fence for a homer.

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The fans are beginning to realize that in the fifth epoch was all they wanted—and a good reason why, for that was all they could digest. They attempted several times to procure a taste of the fourth station, but were strangled on every occasion. Their only run came in the fourth epoch, when a sacrifice fly to Murray by C. Ray, in the ninth, Cobb eluded the housewife to the fence for a homer.

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OAKS ARE STUMBLING BLOCK TO SAN FRANCISCO TOSSERS

Accept Difficult Chances Without Suspicion of Making Bobble—Duffey Lewis and Cameron Sting Leather.

By HERMAN F. BUDDE.

THE fan who watched the work of the Athletics in the field, if he is one who spends a few of his moments in studying the traits of the local boys, needed not to have been told nor to have seen who the opponents were this week. He could have guessed outright that they were the Seals. It is only against the "cross-the-bay" tossers that the locals show up in their best colors. Not a bobble nor the shadow of one was thought of by a member of the Oakland aggregation. Not even Bagan, who celebrated the fifth of July by making his fourth home run, was able to bungle the ball. He gathered in his chances, and some of them thrice as difficult as those of Monday, handsomely, and was besides a party to a snappy double play. To have seen the Oaks in action at Freeman's Park yesterday afternoon and Monday morning the unsophisticated roofer would not have known that they were the same aggregation, so opposite were they in their playing abilities and snags and finger, but to the "Seal" it would not take three shakes of a dead rabbit's tail to solve the change, for against the Mohlerites the Athletics are the grandest ball players this side of Peluchengua.

The Oakland Club always has been the stumbling block of the pennant chasers, and yesterday's exhibition lived true to the tradition. It took the locals just four innings to get next to Easy and the discovery brought in two healthy-looking tallics. Carroll opened up the round by singling, Duffey Lewis emulated the example of his predecessor, and Cameron, stung by the "SIGNS OF THE TIMES," chopped the leather to third. Eastley heaved it to the runner at first, Carroll heeding home on the miscue. On a hit and run signal Lewis scurried to the single in as quick a way as a cat, Freeman's man then till the sixth frame, when Duffey Lewis again sent the hearts of the rooters up in their larynx by bumping out a corking three-bagger to the score board. It was a mighty wallop and a mighty lad who delivered it, and a mighty occasion on which it was shipped. C. O. D. Lewis "cashed in" on it when Cameron found himself on the base on the occasion in smashing out a stinging two-sacker over the os magnum bone of Shortstop Eastley. The home side went clear to the fence, J. Lewis and Bodie hoofing after it. Both fell in a trance while making a microscopic inspection of the lay of the soil in that territory. Hinky Don beating it to third during the hunting expedition. Hogan again proved to the multitude that he knew of more ways than that of the hit and run game in bringing a man from third to home, so he peppered the leather to the clouds. It dropped into the palm of J. Lewis, but so far from the score board that the center fielder found it impossible to get Cameron at the plate. That ended the run getting of the Athletics, and as for the Seals, they gave up the idea of making tellics off of Christian long before the battle drew to the close.

Seals Make One Run

Their lone point in the fifth epoch was all they wanted—and a good reason why, for that was all they could digest. They attempted several times to procure a taste of the fourth station, but were strangled on every occasion. Their only run came in the fourth epoch, when a sacrifice fly to Murray by C. Ray, in the ninth, Cobb eluded the housewife to the fence for a homer.

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KOESTNER AND GANDIL PURCHASED BY THE BIG LEAGUE
 HOPKINS RECOVERED FROM THE

**Won Twenty-Three Inning Game for
Stockton Against Lodi, July 2, 1903,
by the Score of 1 to 0**

IN SEVEN GAMES HARRY KRAUSE,
FORMER ST. MARY'S BOY, ALLOWS
BIG LEAGUERS BUT THREE RUNS

**Comiskey, White Sox
Leader, Buys Gandil
From Charley Graham**

**Sheridan, World's Most
Noted Athlete, Loses
21 Pounds in 2½ Hours**

For some time the Boston Nationals and Roger Bresnahan of the St. Louis Cardinals have been after Arnold Grandall of the Communist club, but President Charles Comiskey of the Chicago White Sox beat them all to it and has closed a deal with Charley Graham, giving it is claimed, \$5000 for the classy tosser.

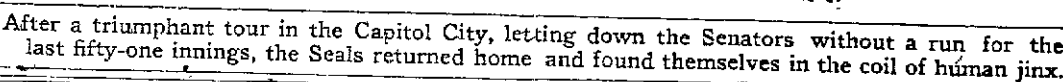
Last fall Lou Hellmuthner of Cincinnati was planned to run Grandall, when the latter was to play for the export club but let it slip up. Early this spring Grandall jumped to the California Seafarers, taking a "babe" with him, Eugene Smith, but in the big scramble for players Sacramento landed him, paying an excellent price for his services.

Comiskey is not at all satisfied with the way his Chicago club is going and has determined to purge it up of its "babe" and "babe" this spring, so that he has landed the Senator and the wily old Stack, a semi-professional of the

NEW YORK, July 7. — When Martin Sheridan started in the 100 yard dash, the first of ten events for the national all-around championships, which he won at Cattle Park, he weighed 265 pounds. After staggering over the line in the mile run, the last event in the ordeal of strength and endurance, he weighed 184 pounds, a loss of 21 pounds in 150 minutes.

Within five hours Sheridan had regained ten pounds of the weight lost, although he had eaten only one light meal in that time. Doctors who are authorities on the condition of athletes say Sheridan's loss of weight in such short time is extraordinary and attribute it to nervous exhaustion and the intense excitement of the competition. Perspiration, too, was responsible for considerable of the loss.

NEW YORK, July 7. — When Marlin Sheridan started in the 100 yard dash, the first of ten events for the national all-around championships, which he won at Cottle Park, he weighed 265 pounds. After staggering over the line in the mile run, the last event in the order of strength and endurance, he weighed 154 pounds, a loss of 21 pounds in 150 minutes. Within five hours Sheridan had regained ten pounds of the weight lost, although he had eaten only one light meal in that time. Doctors who are authorities on the condition of athletes say Sheridan's loss of weight in such short time is extraordinary and attribute it to nervous exhaustion and the intense excitement of the competition. Perspiration, too, was responsible for considerable of the loss.



BEALL STILL HEADS COASTERS IN HITTING; DUFFEY LEWIS AND CAMERON COMING TO FRONT

[illegible]

Crabs Are Making Strong Bid for Second Place

SANTA CRUZ, July 7. — On the last lap in the baseball race for the first half the Surf City tossers are making a strong bid for second place. Yesterday they engaged in battle with the prync players of San Jose and fairly wiped the earth with them, winning out by a 7-0 margin. The man who drove in the Garden City nine, was touched for 12 hits, while Johnny Hopkins kept the G bingles off of his delivery pretty well scattered and not until the ninth round were the visitors able to place men over the plate.

SANTA CRUZ										SAN JOSE																									
A. B. R. H. O.					A. B. R. H. O.					A. B. R. H. O.					A. B. R. H. O.																				
Vanh	c	4	0	0	2	0	Myers	r	2	0	1	0	1	0	1	0																			
Threl	2b	0	0	1	0	1	Stewart	c	3	0	0	0	0	0	0																				
Threl	3b	0	0	0	0	0	Wright	1b	0	0	0	0	0	0	0																				
Hugh	ss	1	1	2	10	0	Weller	2b	0	0	0	0	0	1	5																				
Threl	1b	1	2	10	0	0	Kruger	c	3	0	0	0	0	0	0																				
Mahe	2b	1	2	2	2	0	McGraw	3b	0	0	0	0	0	0	0																				
Rebnt	ss	2	2	4	2	0	Ksmb	1b	0	0	0	0	0	13	0																				
Ward	c	2	2	4	2	0	Wright	c	3	1	2	0	0	1	0																				
Hopks	p	4	0	1	0	0	McGraw	r	2	0	0	0	0	1	0																				
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Surf City.....												0 0 0 0 0 0 0 0 0												0-0											
San Jose.....												0 0 0 0 0 0 0 0 0												0-0											
Surf City.....												1 0 0 0 0 0 0 0 0												2-12											
San Jose.....												0 0 0 0 0 0 0 0 0												0-0											
Surf City.....												0 0 0 0 0 0 0 0 0												0-2											
2. Three-base hit—Hopkins.												3. Two-base hit—Cruz.												4. San Jose.											
5. Townsend 2. Moher. Stolen bases—Hogchoud.												6. Townsend 2. Moher. Stolen bases—Hogchoud.												7. Townsend 2. Moher. Stolen bases—Hogchoud.											
8. Townsend 2. Moher. Stolen bases—Hogchoud.												9. Townsend 2. Moher. Stolen bases—Hogchoud.												10. Townsend 2. Moher. Stolen bases—Hogchoud.											
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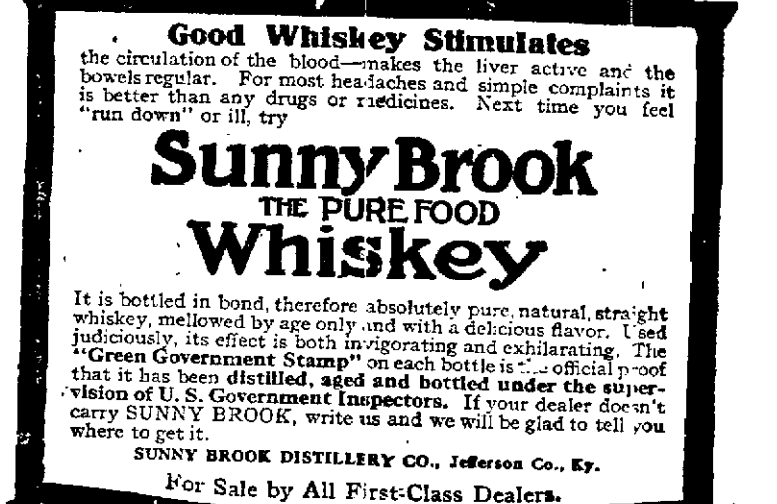
Monte Attell Is Matched

Stockton Players Refuse to Leave Shay; Loucks Given His Release---Odwell Joins 'Tub Hackett's Staff.

The players who came newly being judged and carried off by the Captain Kidd of baseball, George, manager and president of the Kansas and Denver clubs, were "Wish" Eagan and Pitcher Durham. Tebeau was on the bat all day and offered Eagan a fat salary to return to Kansas City, but the St. Louiser replied that there was "nothing doing." He was perfectly contented with his new

quarters. Durham got out of the reach of Teheua by taking a short sally to the metropolitan city of Napa. Falling in the mission of landing the two Millers, Tebeau went after Forrester and Kuhn of the Fresno club, but the Tigers referred the magnate to Manager Macdonough and the latter referred

Odwell is the latest acquisition to the Orphan pay roll. He played to left yesterday, but did nothing of a gain fame. "Oddy" is well known around the bay as he has played on a number of teams here and has also done service in the Northwestern League.



A black and white illustration of a vintage cylindrical stove. The stove has a rounded body with a single door on the right side that is open, revealing three horizontal shelves inside. The door is hinged and has a handle. The stove sits on four small, curved legs. The illustration is done in a simple, line-art style.

WHITE FROST REFRIGERATORS

ABSOLUTELY SANITARY
Sold only by **Bunster-Saxe Co.**

Built entirely of White Enamelled Galvanized Sheet Steel
in a cylindrical form—no joints or crevices to catch and re-
tain fumes, or odors arising from food in cold storage.
Adjustable, revolving shelves. Scientific circulation and
thorough insulation make them great savers of ice.
Can't rust, can't wear out; handsome enough for a par-
lor.

Prices the same as in the East.

BUNSTER-SAXE CO.

Eddy and Larkin Streets, San Francisco.

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

TASTE TELLS

SPARKLING RICH FLAVORED

Its a rival of the best of imported beers is Buffalo
-BOHEMIAN-
Sparkling with wholesomeness and purity



BUFFALO
BREWING CO.
Sacramento, Calif.

OAKLAND BOTTLING COMPANY AGENTS, OAKLAND

TAFT ADDRESSES
CATHOLIC SCHOOL
TO BE PARTITIONEDCardinal Gibbons Indorses
President's Assertion of In-
creasing Religious Liberty

PLATTSBURG, N. Y., July 7.—The President's welcome at the Catholic summer school was a hearty one and the address was packed to the doors.

At the President's right on the platform was Cardinal Gibbons, while on his left was Governor Hughes.

President Taft devoted his address mainly to his dealing with the Catholic Church in the Philippines as having a bearing on the present celebration.

"I am not a Catholic," said he, "but I have had in the last ten years a great deal to do with the Catholic Church."

"I think we are reaching a point in this country where we are very much more tolerant of everything and every body than in the past and where we are giving justice where justice ought to be given."

President Taft then turned to the subject of religious liberty and said that the country was reaching a point where it was more tolerant of everything and every body than in the past.

"Religious tolerance is a modern invention. Those of us of this generation have been brought up to think we are the inventors of religious tolerance. Well, as a matter of fact, what they were in favor of, if I can save Klor my Puritan ancestry, was in having a right to worship God as they pleased and have everybody else worship God in the same way."

But we have worked that out now, and there has been a great change, I am sure—and his Eminence, the Cardinal, will agree with me—even in the last twenty years.

Philipine Questions

"I am gratified to say now that every question between the church and the state in the Philippines, which were as closely united that it seemed almost impossible to make a separation of the two."

He then turned to the subject of the Philippine questions and said that he was glad to see that the country was reaching a point where it was more tolerant of everything and every body than in the past.

Cardinal Gibbons addressed the gathering briefly and the President concluded. He then turned to the subject of the Philippine questions and said that he was glad to see that the country was reaching a point where it was more tolerant of everything and every body than in the past.

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SOBRANTE RANCHO
TO BE PARTITIONEDLast of Old Spanish Grants is
Broken up by Liti-
gation

The last of the old Spanish land grants of this State will be partitioned with the filing of the report of the three commissioners of the Sobrante Rancho, in the Superior Court of Contra Costa county this week.

The report, which will take its place in the history of California, has just been completed and represents twelve years of exacting work by the commissioners, Judge W. S. Wells, M. B. Ivory and former Supervisor James W. Stow of Contra Costa county.

The litigation was inaugurated in the form of a partition suit brought by Edson Adams of Oakland against Moses Hopkins et al., who laid claim to several thousand acres in the Orinda Park district. The original papers were filed in 1897, and Judge J. P. Jones of the Contra Costa Superior Court.

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ELKS, 100 STRONG,
BOUND THIS WAYSeattle Herd Will Be Enter-
tained by Antlered Host
In This City

One hundred members of the Spokane Lodge of Elks are on their way to this city and will arrive here Friday en route to Los Angeles to attend the national convention of the order.

While here they will be royally feted by the local lodge and a number of novel entertainments are being arranged among the followers of the Oakland antlered herd for their benefit.

They will be met on their arrival by a saluety of automobiles from the Chamber of Commerce and the Elks committee jointly and will be whirled away to points of interest in this vicinity. Among the Washington visitors will be many of that State's most distinguished men, including the Governor and the Mayor of Spokane.

A number of distinguished Elks are present in this city en route to Los Angeles, among them being the delegate from Manila, William H. Gessler, and W. H. Fisher of Humboldt.

As a preliminary to the departure of Oakland Lodge for the southern city, the officers of the lodge and the executive committee of the order will be entertained by Supreme Exalted Ruler Henry A. Melvin at his home in East Oakland tomorrow evening.

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LOCAL PRODUCE

BUTTER, EGGS AND EGGS.

Butter—Fresh creamery extras, 50c per lb. steady; do firsts, 45c; second, 42c; 24c; 22c; 20c; 18c; 16c; 14c; 12c; 10c; 8c; 6c; 4c; 2c; 1c; 1/2c; 1/4c; 1/8c; 1/16c; 1/32c; 1/64c; 1/128c; 1/256c; 1/512c; 1/1024c; 1/2048c; 1/4096c; 1/8192c; 1/16384c; 1/32768c; 1/65536c; 1/131072c; 1/262144c; 1/524288c; 1/1048576c; 1/2097152c; 1/4194304c; 1/8388608c; 1/16777216c; 1/33554432c; 1/67108864c; 1/134217728c; 1/268435456c; 1/536870912c; 1/1073741824c; 1/2147483648c; 1/4294967296c; 1/8589934592c; 1/17179869184c; 1/34359738368c; 1/68719476736c; 1/137438953472c; 1/274877906944c; 1/549755813888c; 1/1099511627776c; 1/2199023255552c; 1/4398046511104c; 1/8796093022208c; 1/17592186044416c; 1/35184372088832c; 1/70368744177664c; 1/140737488355328c; 1/281474976710656c; 1/562949953421312c; 1/1125899906842624c; 1/2251799813685248c; 1/4503599627370496c; 1/9007199254740992c; 1/18014398509481984c; 1/36028797018963968c; 1/72057594037927936c; 1/144115188075855872c; 1/288230376151711744c; 1/576460752303423488c; 1/1152921504606846976c; 1/2305843009213693952c; 1/4611686018427387904c; 1/9223372036854775808c; 1/18446744073709551616c; 1/36893488147419103232c; 1/73786976294838206464c; 1/147573952589676412928c; 1/295147905179352825856c; 1/590295810358705651712c; 1/1180591620717411303424c; 1/2361183241434822606848c; 1/4722366482869645213696c; 1/9444732965739290427392c; 1/18889465114578580854784c; 1/37778930229157161709568c; 1/75557860458314323419136c; 1/151115720916628646838272c; 1/302231441833257293676544c; 1/604462883666514587353088c; 1/1208925767333029174706176c; 1/2417851534666058349412352c; 1/4835703069332116698824704c; 1/9671406138664233397649408c; 1/19342812277328466752999808c; 1/38685624554656933505999616c; 1/77371249109313867011999232c; 1/154742498218627734023996464c; 1/309484996437255468047992928c; 1/618969992874510936175985856c; 1/1237939985749021872351971712c; 1/2475879971498043744703943424c; 1/4951759942996087489407886848c; 1/9903519885992174978115773696c; 1/19807039771984349562231547904c; 1/3961407954396869912446263181888c; 1/7922815908793739824892526363776c; 1/15845639175787479649785052727552c; 1/31691278351574959299570105455104c; 1/63382556703149918599140210910208c; 1/126765113406299837198280421820416c; 1/253530226812599674396560843640832c; 1/507060453625199348793121687281664c; 1/1014120907250398695886233774563296c; 1/2028241814500797391772467449126592c; 1/4056483629001594783544934898253184c; 1/8112967258003189567089869796506368c; 1/16225935166006379134179739593012736c; 1/3245187033201275826835947918602552c; 1/6490374066402551653671895837205104c; 1/12980748132005103307357911674410208c; 1/25961496264010206614715823348820416c; 1/51922992528020413229431646697640832c; 1/103845985056040826458863293395281664c; 1/207691970112081652917726786790563296c; 1/41538394022416330583545357358112736c; 1/83076788044832661167090910716625472c; 1/16615357608966532233418182143250944c; 1/33230715217933064466836364286501888c; 1/66461430435866128933672728573003776c; 1/132922860871732257867354561140075552c; 1/26584572174346451573470912228015104c; 1/53169144348692903146941824456030208c; 1/106338288797385806293883689120060416c; 1/212676577594771612587767378240120832c; 1/425353155189543225175534756480241664c; 1/850706310379086450351070712960483296c; 1/1701412620758172900702141425920966592c; 1/3402825241516345801404282851841933184c; 1/6805650483032691602808565703683866368c; 1/13611300966065383205617131407367732736c; 1/27222601932130766411234262814735465472c; 1/54445203864261532822468525629470930848c; 1/10889040772852306564493705125894186176c; 1/2177808154570461312898741025178837333312c; 1/435561630914092262579748205035767466624c; 1/871123261828184525159496410071534933248c; 1/174224652365668950031898882014306986592c; 1/3484493047313379000637977640286139731904c; 1/6968986094626758001275955280572279463808c; 1/13937972189253516002551910561144555891616c; 1/27875944378507032005103821122289111793232c; 1/557518887570140640010276422445782237664c; 1/1115037755140281200020552844895644475328c; 1/223007551028056240004110568991288950645664c; 1/44601510205611240000822117981777771113132c; 1/892030204112124000016

FURNISHED HOUSES TO LET.

When some one looks over the wants in "HERE," your ad, it should be "THERE."

AAA—FOR RENT—Furnished house in Linda Vista district. Charming location; furnished or unfurnished; call between 10 and 12 o'clock; call Adams 4.

COTTAGE—A sunny, clean, completely furnished house, 2 bedrooms, electric, central heating, large yard, water free, 55th street, near 12th.

FOR RENT—Very reasonable, furnished house, 2 bedrooms, electric, central heating, large yard, water free, 55th street, near 12th.

FOR RENT—12-room house, furnished, bath and laundry, located centrally, 2 minutes to station; rent reasonable to suit parties. Apply Box 13909, Tribune.

FURNISHED cottage of four rooms and bath; every convenience. 525 E. 11th st. Phone Merritt 325.

FOR SALE or To Rent—Furnished 7-room cottage, 13th and 14th, Clinton ave., Alameda.

FURNISHED house, 535 E. 6th, 2908 Broadway, near Russell, Berkeley.

NEW—5-room cottage, completely furnished, 535 E. 6th, 2908 Broadway.

ILL—lease or rent 6-room bungalow, furnished, during summer, for 1 month or longer; beautiful spot for fruit and vegetables; 545 per month. Phone Merritt 114.

55—500—Furnished or unfurnished, sunny modern cottage, 4 rooms and bath; gas, large yard, 2 minutes to Key route, 525 E. 11th, 2908 Broadway.

55—FURNISHED 5-room cottage on 6th ave., near East 18th st. H. H. Welch & Co., 5th and E. 18th st.

UNFURNISHED HOUSES TO LET.

When some one looks over the wants in "HERE," your ad, it should be "THERE."

COTTAGE of 3 rooms, 2nd basement, electric, central heating, large yard, small family, water free, 215 Byron st., between Bancroft and Alameda; call H. H. Welch & Co., 5th and E. 18th st.

COTTAGE of 3 rooms, large yard, 574 E. 14th st.

FOR RENT—Modern new, convenient, 6-room house; electric, gas, central heating, near 12th and 13th, 1st National Bank Bldg.

FOR RENT—Unfurnished cottage of three rooms and two furnished rooms for housekeeping.

STOVES moved and connected, \$150 to \$450. Piedmont 4335.

55—MODERN 9-room house on large lot on E. 18th st., near 11th ave.; close to schools, car lines and bus lines; call H. H. Welch & Co., 5th and E. 18th st.

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HOUSEKEEPING ROOMS.

(Continued)

A HOUSEKEEPING apt. front, bath, laundry, 278 11th, cor. Harrison.

A HOUSEKEEPING room, large yard, reasonable, 574 5th st., corner Market.

ALTA VISTA, 1059 Castro st.—Neat clean, convenient housekeeping room.

A-A-4 rooms, upper floor, rear cottage, cozy, 615 15th st.

CLEAN kitchen, bedroom, separate entrance, 1 or 2 rooms, nice family, private residence, central, 615 15th st.

DESIRABLE suite of two rooms (furnished) with bath and laundry; convenient to car lines, 12th and 13th.

ELEGANTLY furnished housekeeping suite with board with party if desired, address Box 14463, Tribune.

FOUR rooms for housekeeping, in sunny upper flat; very central, 148 Myrtle, cor. 16th; rent reasonable. Phone Oakland 5292.

FURNISHED apartments, 16 to 22 per month; running water and gas; other rooms also, 407 San Pablo ave.

NICE front housekeeping rooms, running water, bath and laundry; reasonable; also large yard, 1022 Broadway.

NEWLY furnished housekeeping room, regular kitchen, bath; rent reasonable, call after 7 p. m., 1126 Myrtle st.

SUMMER rates—3 sunny front furnished rooms, hot water; snap for couple, 981 4th st.

SUNNY front room and kitchen, bath, reasonable, 606 1/2 Telegraph ave.

THREE superb large, most desirable, sunny front furnished housekeeping rooms, bath, telephone, \$20; adults only, 538 24th st., near Telegraph.

THREE furnished rooms, one for light, one for dark, one for couple, 1018 Filbert st., near 12th st.

TWO newly furnished sunny front housekeeping rooms, gas, bath and phone, 512 Filbert.

THREE housekeeping rooms; close to man and wife only, 1517 Brush st.

TWO beautiful sunny rooms for light housekeeping, 722 54th st.

THREE furnished rooms with bath for housekeeping, 1022 Broadway.

TWO furnished housekeeping rooms and bath; central, 613 15th st.

VERY close apartment, 4 rooms and above; steam heat, e.c.; elegant location, 1229 10th, near 14th st.

14TH, 1075—Furnished suites, \$10, \$12, \$14; gas, bath, phone free, 1 block Key route.

ROOMS AND BOARDING.

When a boarder, looking for a new place, turns to the ads, yours should be "THERE."

ALEXANDRA, 1268 Webster st.—Large sunny rooms, running water, etc., with or without board, rates reasonable, phone Oakland 6269.

ALAMEDA—Sunny rooms, select, board, 2201 San Jose ave., near Park.

DESIRABLE sunny rooms, one with private bath; excellent board; large grounds, Hotel Madison, 11th and Madison.

BLVD., 532 Sycamore—Rooms, with or without board; rates reasonable, phone Oakland 6269.

HOUSING—Cooking dinner Sunday, 50c, no tip, 1202 Franklin.

LARGE sunny room with board for two or three; home cooking, 1339 Harrison st. Also table boarders.

NEATLY furnished room with board; generally boarder, convenient to Key route, 1045 Brush st.

NICELY furnished front room with board for 1 or couple, 148 8th st., cor. Madison.

ROOMS AND BOARD.

1170 Madison st., near 14th; has changed hands, been newly renovated; furnished, class board; special rates to families; call after 7 p. m., 1126 Myrtle st.

REDUCED woman to furnish board in a private place to 3 or 4 people. For particulars address Box 14613, Tribune.

ROOM with or without board for two; private family, 1072 Telegraph.

ROOMS with board, 1155 Madison st., NW, corner 13th.

ROOM and board cheap, 874 31st st., nr. San Pablo ave.

SEVEN furnished room for gentleman in private family, with or without board, 5 minutes walk from depot, 1450 34th, 16th st.

SEVEN rooms and board, 1245 Oak st., near 14th, 5208.

75 A WEEK—room and board in private family; all conveniences, 310 Jefferson.

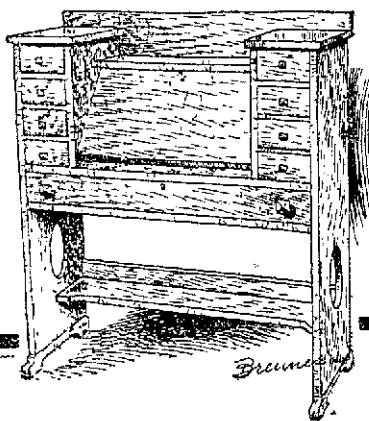
ROOMS AND BOARD WANTED.

WOMAN employed through the day and night; room and board for herself and children; please full particulars, Box 14688, Tribune.

YOUNG man desires room and board. Private family; near Oak st. or Narrows; call after 7 p. m., reasonable. Box 1971, Tribune.

APARTMENTS TO LET.

Just Received



Our buyers in the East are sending out some beautiful new styles of furniture for the Autumn and Winter trade. Among these new pieces there are several new style lady's writing desks that have completely won our salesmen, they are being placed on sample today—come in and see them.

All we can say in regard to our Clearance Sale of Carpets is

Hurry

If business keeps up like it is today there will be no bargains left in a very short while—bring the size of your room to expedite matters.

Are You a Breuner Customer?

It would be mighty nice to receive a \$1000, six-room home absolutely free, wouldn't it? Well, you may be the one to receive just such a home, if you are a Breuner Customer. Call and get a Breuner Booklet that tells all about the Breuner Bungalow—glad to give you one.

Your Credit is Good
Breuner's
13th & Franklin Sts.
Between Broadway and the Narrows

SUFFRAGISTS CELEBRATE

AT A. Y. P. EXPOSITION
SEATTLE July 7. Woman's Suffrage Day at the Alaska Yukon Pacific Exposition was celebrated in this district by the American Women's Suffrage convention this morning.
A mass meeting was held in the morning at which President I. P. Chittberg of the exposition welcomed the delegates and an address was delivered by National President Anna H. Shaw.
Reception was given in the buildings of the Woman's Suffrage Stores, Idaho and Utah.

WRIGHT BROTHERS AT

WORK ON AEROPLANE
WASHINGTON, July 7.—The two Wright brothers, Wilbur and Orville, were again at work on their aeroplane in the shed on the Fort Myer hill grounds today. Orville brought with him the cloth for which he went to Dayton and work on the damaged aeroplane was resumed. It is possible the machine will be ready for another preliminary trial by tomorrow evening.

CLASSIFIED ADS IN THE TRIBUNE
PAY BIG RETURNS FOR MONEY

MERCHANTS FAVOR NEW SIGN LAW

City Attorney Stetson Advised
by Letter of Attitude
of Exchange

At a meeting of the Merchants' Exchange last night the following communication, prepared by the license committee, was endorsed by the directors and Secretary Wilbur Walker was instructed to send it to John W. Stetson, City Attorney of Oakland.

John W. Stetson, City Attorney: Your courteous letter of June 24, regarding sign ordinance, was received at the directors' meeting last evening and considered by the committee.
The merchants of Oakland desire the passage of a reasonable sign ordinance, one which will regulate rather than prohibit signs, which will prevent the obstruction or defacement of the streets, but which will permit the placing of signs visible by day and night.
We would call your attention to the ordinance now in effect in San Francisco, which seems to be satisfactory to both the sign makers and the sign users.
We ask the incorporation into the proposed Oakland ordinance of the following section or something of a similar purpose:

Class.—Signs upon which the letters or designs are formed with convex opal glass cups or with raised prism glass effect and illuminated by electric lights back of said letters, but no other part of the sign being transparent.
We also hope that when the ordinance has been prepared and submitted to the City Council ample time will be allowed for examination and argument by all interested, so that the perfected ordinance may be as near as possible fair to the city and all interested parties.
Thanking you for your letter, I am, yours truly,
WILBUR WALKER,
Secretary Merchants' Exchange of Oakland.

EXILE RETURNS FOR 4TH AND LANDS IN PRISON

SA NIEANDRO, July 6.—Perhaps very few men returning to their native city after sojourning in distant climes for years have been accorded a warmer reception than Charles Babbi, a former resident of this place, who visited the land of his birth to spend the Fourth among old friends and associates.

Babbi, "celebrated" so strenuously that the attention of Town Marshal Glasser was attracted to him. He was arrested.

"Where have you been that face before?" queried the official.

When Babbi was brought before Judge Frank Marshall Genshoffer he thought deeply and he apprised his honor that the prisoner was a former citizen of San Leandro and had been sent out of town on a court order years before.

Babbi was given the choice between 60 days in jail for drunkenness and the alternative of settling out of town and staying out.
Most any place looks good to the wanderer, with the exception of his native town. This Babbi proved the truth of the old saying that "when a man looks for a home he must stay away from home."

MRS. HALE IS BENEFICIARY.
WASHINGTON, July 7.—Following a long established custom in respect to its employees, the Senate today voted six months salary to the widow of its late chaplain, Dr. Edward Everett Hale.

COMEDY IS KING

Carroll Johnson Scores Big in
Old Time Minstrelsy
Act



The Famous Minstrel, Carroll Johnson.

"The old school of minstrelsy is fast passing away and the tambourine and 'bones' are being relegated among the things that were. However, now and then there is an opportunity afforded of seeing one of the old stars whose glory has not departed and whose inimitable wit and contagious good humor shines out beyond the forced comedy of so many of the present day entertainers. Carroll Johnson is one of the few high-class, finished minstrels of the old school and the Bell Theater has secured him for this week.
He sings and dances, gives an imitation of the real thing in minstrel act and a strong dramatic reading and altogether is one of the best numbers seen at the Bell in months."

COUNCIL TO CONSIDER PROPOSED BOND ISSUE

On next Thursday evening the entire City Council will meet with Mayor Holt in the chief executive's office to consider in detail the matter pertaining to the bond issue. The various projects will be gone over carefully and the call for the election prepared as far as possible. The City attorney and city engineer will also be at the meeting.

Life 100,000 Years Ago.
Selected bones of men who lived 100,000 years ago, when life was in constant danger from wild beasts. Today the danger, as shown by A. W. Brown of Alexander, Me., is largely from deadly disease. "If it had not been for King's New Discovery, which cured me, I could not have lived," he writes, "suffering as I did from a severe lung trouble and stubborn cough." To cure Sore Throat, Colds, Obsolete Coughs and prevent Pneumonia it's the best medicine on earth. 50c and \$1.00. Guaranteed by Osgood Bros. Trial bottle free.

FOREIGN BANKERS

WANT U. S. MONEY

Hankow-Sze-Chuen Railroad
Loan Under Consideration
at European Conference

LONDON, July 7.—The British, French and German bankers concerned in the Hankow-Sze-Chuen Railroad loan of \$27,500,000 today began consideration of the terms under which Americans are to be admitted to participation. Their sessions probably will be prolonged, as it has been found necessary to cable Washington for information regarded as essential to the American case. The Americans are represented by E. C. Gurne of J. P. Morgan & Co., Otto Kahn of Kahn, Loeb & Co., and Willard D. Straight.
The British representatives are William Kewick, M. P.; M. J. Meyer of the Pershing Syndicate and Sir T. Jackson. Germany and France are represented by two delegates each.

PIEDMONT TURKISH BATHS.
Salt water swim. Twenty-fourth and Oakland avenue.

For "Automobile Eye" Insurance
Ask your druggist for Moline Eye Remedy

Better Coffee

Phone Oakland
2958

SUNSET TEA CO.
911 Clay St.

Genuine

Mocha

Roasted Daily

Hot Bread

At 11:30 a. m. and 4
o'clock p. m. at our
own stores:

905 Washington St.
401 San Pablo Ave.

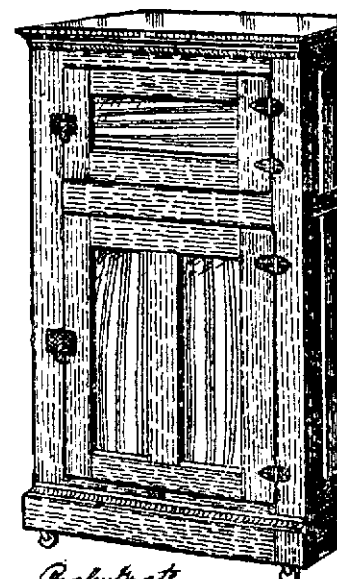
1723 San Pablo Ave.
LOG CABIN BAKERY

Phones: Home A4118
Piedmont 1118
From Oven to You

CHRISTIAN ENDEAVOR CONVENTION BEGINS

ST. PAUL, July 7.—Preliminary to the twenty-fourth biennial international Christian Endeavor convention the annual

meeting of the United Society of the today was held here today. The first general meeting of the convention will occur tonight when President Clark will formally call the delegates to order.
All day crowds of Endeavorers have been arriving.



\$14.95

For
This
White
Mountain
Refrigerator

Solid oak body, 50-pound ice capacity, 19x18-inch food chamber with two shelves; walls lined with mineral wool which retains the lowest possible temperature without excessive ice consumption. All chamber walls of zinc and removable to facilitate cleaning. A regular \$24.00 value—Special, \$14.95.

Buy Now—Pay Later

Did you ever stop and think of the money you could save each month if you rented an unfurnished home?

Better get the furniture now and let the rent money pay for it. We'll arrange terms that will suit your income.

We Are Going to Give an Auto Away

Phone Oakland 1887
Home A 5101

Our
Prices
the
Lowest



Say So
and We'll
Refund
Your Money

DIEHL'S HAIR STORE

Largest Stock of Hair Goods
Pompadours, Switches, Psyche-Knots, Old Ladies' Hair Wigs, Pin Curls, Wigs and Toupees at lowest prices.
Shampooing, Hairdressing, Marcell Waving, Scalp Treatments and Facial Massage.
Full line of Perfumes, Soaps and Powders.
469 14th St. Phone: Oakland 316, Home A4749.

Martha Washington

NEW YORK'S EXCLUSIVE
WOMAN'S HOTEL.
29 East 29th st., near 5th Ave.
Restaurant and Tea Room, European Plan, for men and women
RATES \$1.00 AND UP
450 Rooms with telephone. Convenient to Subway and cross town car lines. Baths free on each floor. Phone 904.
Center of theater and shopping district.
A. W. EAGER.

An Active and Efficient Partner

An account with the Central Bank of Oakland is a working partner upon whom you can always rely for efficiency.

Your money deposited regularly with us is constantly earning more money at a good rate of interest.

We cordially invite you to come in and open an account.

4% Interest Paid on
Savings Accounts

CENTRAL BANK

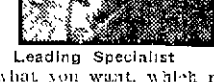
Paid-up Capital and Surplus, Over \$1,000,000.

14TH AND BROADWAY, OAKLAND

Savings Accounts

Dr. May Cures Men

1054 BROADWAY



Leading Specialist

When contemplating treatment you should consider the factors of Skill, Experience and Reliability of a doctor before entrusting him with your case. A Patient's Lasting Recovery is what you want, which means much to your future Life and Happiness.

DR. MAY and his associates are specialists of rare and unusual ability. They are known throughout the country to be honest and reliable and they have established an unquestionable reputation for making quick, easy and lasting cures. Knowledge is the secret of our success, and we make use of methods that the ordinary practitioner has never heard of. Methods we have varied out and discovered after many years of experience in our specialty.

Blood Poison (Syphilis)—We use no guess work or experiments with this dreadful disease—sores, ulcers, swellings, eruptions and all disfigurements disappear at once under our treatment—our remedies are harmless blood-purifiers which drive out every atom of poison forever. No remedies known to science compare with our treatment.

Gonorrhoea Gleet and Stricture. These are the most common diseases of men, and when treated in the old-fashioned ways are never cured, but result in chronic discharges, losses and, worst of all, to premature senility, which leads to weakness and a general breakdown of the nervous system, which wrecks health, home and happiness. Our treatment heals, soothes and cures like magic. Strong medicines and steel instruments injure these vital organs.

Sexual Weakness This most humiliating ailment causes untold misery of life. Those who have troubles of this kind do well to seek the advice of a specialist of acknowledged ability, whose practice is extensive, clean, exact and scientific, who never makes a claim he can't make good. Dr. May's treatment removes the cause of weakness and cures forever. All painful modern cures for Varicocele, Hydrocele, Rupture, Piles, Prostate, Bladder and Kidney Troubles are swift and certain.

I invite every ailing man who needs help to call and be examined free of charge. Advice is freely given, whether you decide to be treated or not. I aim for permanent cures only. My fees are low. You make your own terms and

PAY WHEN CURED AND SATISFIED

Write if unable to call. Our home treatment is certain. Strictest privacy assured.

HOURS—9 a. m. to 8:30 p. m. SUNDAYS—10 a. m. to 1 p. m.

Dr. May
1054 Broadway
Corner Eleventh, Oakland, Cal.

AND ASSOCIATES

THE CURTIS STUDIO PINE AT VAN NESS (FORMERLY THE WHITE HOUSE)

ANTIQUES,
REPRODUCTIONS

NOTE—CALIFORNIA OR SUTTER CARS
CONVENIENT

Grand Canyon

\$35

Round Trip



Pullman sleeper to the rim. Besides the thrilling trip down and up Bright Angel Trail at Grand Canyon of Arizona, you also may enjoy rides along the rim in modern canyon coaches. No going winding thru fragrant pine forests with frequent glimpses at this gigantic gorge which is colored like sunset.
El Tovar provides city club comforts. A \$250,000.00 hotel set in a wonderful wilderness; management, Fred Harvey.

Tickets on sale daily until Sept. 30. Limit Oct. 31, 1909.
Would be pleased to arrange your trip
J. J. WARNER, Gen. Agt., 1112 Broadway

Santa Fe

Summer Discount Sale

Ends in 8 Days

This annual sale, which began June 15th, will positively end on Thursday, July 15th; therefore, you have only one week more in which to buy

Furniture at 25% Discount

One week more in which you may have absolutely unrestricted choice of our entire stock of Furniture at one-fourth less than our regular low prices. By taking advantage of this opportunity you can make

- An actual saving of 25% on Bedroom Furniture
- An actual saving of 25% on Dining Room Furniture
- An actual saving of 25% on Parlor Furniture
- An actual saving of 25% on Office Furniture

You may also choose from a number of

Special Lines and Odd Pieces 25% to 50% Off

If you can use any furniture, much or little, regard for your own interest should lead you straight to

MacKay's

418-424 Fourteenth Street